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ABSTRACT

This report details the challenges that immigrant women in the United States have faced since the 1995 United Nations World Conference on Women in Beijing, China. It presents a compilation of research and synthesis by immigrants' rights activists and organizations. Data come from immigrant women's testimony. The following topics are featured: "U.S. Immigration Policies Undermine Women's Rights"; "Border Patrol Abuse of Female Migrants"; "Immigration Enforcement's Impact on Women"; "Gender and Asylum"; "Women in Detention"; "Immigrant Women and Welfare Reform"; "Immigrant Women's Health"; "Employment Conditions of Immigrant Women"; "Trafficking in Women"; "Immigrant Women and Domestic Violence"; "Lesbian Immigrant Women"; and "Immigrant Girls and Youth." The report finds that not only has the United States failed to protect the rights of immigrant women, but legislation and immigration policies have negatively impacted their well-being, health, employment, and family life. Recommendations are provided as a starting point for governmental and nongovernmental bodies to address the issues and conditions of immigrant women (e.g., repeal employer sanctions, legalize their work, end human rights violations, and protect family unity). An appendix describes the Beijing World Conference on Women and Platform for Action and the U.S. commitments to the Platform for Action. (SM)

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Hands that Shape the World

Report on the Conditions of Immigrant Women in the U.S.

Five Years after the Beijing Conference

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The National Network for Immigrant and Refugee Rights (NNIRR), founded in May 1986, is an alliance of local, regional and national organizations and individuals. Through its national office in Oakland, California, the organization provides information and educational resources, and coordinates a range of activities to promote human and civil rights for all immigrants. NNIRR is governed by a board of directors representing diverse regions and sectors, including immigrant, religious, labor, civil rights, and legal communities, as well as local advocacy coalitions.

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Executive Summary

Hands that Shape the World:
Report on the Conditions of Immigrant Women in the U.S.
Five Years After the Beijing Conference

Hands that Shape the World finds that immigrant women are among the most vulnerable to exploitation, abuse, and human rights violations in the U.S. Assessing the state of immigrant women in the five years since the 1995 Fourth World Conference on Women in Beijing, China, this unprecedented review of conditions for immigrant women finds that the U.S. government has not only failed to protect the rights of immigrant women, but has implemented new legislation negatively impacting the well-being, health, employment, and family life of immigrant women.

Hands that Shape the World, first released as part of a U.S. immigrant women's delegation to the "Beijing + 5" activities in New York City in June 2000, is an important contribution to the process of assessing progress on the Platform for Action set at the 1995 conference. Although the Beijing Conference made important strides in promoting international standards for women's rights, the particular challenges facing migrant women continue to be ignored, both at the United Nations level and by the U.S. government. The report urges the U.S. government to include immigrant women, including the undocumented, within its commitment to expand the rights and opportunities for all women in the U.S.

Hands that Shape the World spotlights areas of critical concern for immigrant women in the U.S. In many cases, these are concerns shared by all women, especially poor women and women of color. But the report demonstrates that issues of immigration status, citizenship, language, and other factors distinguish immigrant women and are significant barriers to equality and enfranchisement. In addition, it finds that the devastating impacts of immigration and welfare reforms implemented in 1996 pose a severe threat to many of the rights and protections for all women outlined in the Beijing Platform.

Hands that Shape the World is based on immigrant women's testimony and accounts of the impacts of welfare and immigration reform collected and compiled by the National Network for Immigrant and Refugee Rights, which conducted a comprehensive review of existing reports and assessments of reforms to U.S. immigration and welfare policy. Participating organizations in the delegation of U.S. immigrant women attending the Beijing +5 activities, as well as a number of other immigrant women's groups and advocacy organizations, contributed to key sections of the report.

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Key Findings

Hands that Shape the World finds that:

- **Women constitute over half of all new immigrants coming to the U.S. each year** — part of a growing population of over 50 million women migrants worldwide.
- **The migration of women is often a response to the negative impacts of economic globalization.** Women in developing countries have been hard hit by the impacts of structural adjustment programs, political instability, civil strife, ethnic and religious tensions, and depletion of resources.
- **Once in the U.S., immigrant women face particular obstacles as workers** due to immigration status, language, or citizenship, in addition to factors of discrimination based on gender and/or race.
- **Immigrant women often lack adequate health care** both for economic reasons, as well as for fear of losing immigration status or being deported for accessing public health programs.
- **The 1996 welfare legislation in the U.S. especially undermined the economic well-being of poor immigrant women** and their families by eliminating or undercutting access to benefit programs for those in need. For example, many welfare–to–work programs fail to address issues of English language proficiency, access to training, childcare, and transportation that are necessary for many women to move into the workforce.
- **Immigrant women are increasingly subjected to human rights violations** by Border Patrol agents and other immigration officials. Following the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the number of women held in dehumanizing detention facilities has grown, as have violations of basic human rights standards for women held in immigration service custody.
- **Immigrant women are more vulnerable to workplace abuse** and exploitation by laws such as employer sanctions and IIRIRA that have effectively criminalized those without legal immigration status.
- **IIRIRA closed off opportunities for legalization of status and added to the confusion and fears of battered immigrant women**, who have become more reluctant to report abuses or access avenues for legalization without the sponsorship of an abusive spouse.
- **The global trafficking of immigrant women and children is increasingly a significant concern in the U.S.**, with government estimates of some 50,000 women trafficked to the U.S. each year. Migrant victims of trafficking abuse and exploitation have few legal recourses; they themselves are often tagged as the criminals, detained, prosecuted, and deported.
- **Some gains have been made in accessing political asylum issues for immigrant women** facing gender-based persecution. However, greater restrictions to the asylum application process have generally made the process more difficult for newly-arrived women.

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- **Lesbian women still face many hurdles to legal migration**, and thus are more vulnerable to exploitation, discrimination, and family separation.
- **Immigrant girls in the U.S. face many of the same obstacles** to rights and to linguistically and culturally appropriate services as immigrant women.

Recommendations:

A platform which addresses the rights of immigrant women must consider the detrimental role of immigration policy, and must make strategic commitments to alleviate the complex conditions which compel women to migrate for survival.

Hands that Shape the World offers the following recommendations as a starting point for governmental and non-governmental bodies to address the issues and conditions of immigrant women in the U.S.:

For the U.S. government:

- Bring women out of the shadows. Repeal "employer sanctions," which has increased discrimination in hiring, undermined union organizing efforts, and made women workers more vulnerable to exploitative employers.
- Legalize migrant women's work. Provide fast and equitable avenues for legalization for the undocumented.
- End human rights violations. Improve complaint process, monitoring, documentation and prosecution of rights violations.
- Protect family unity. Uphold the principle of family unity, and remove obstacles to relief for deportation and adjustment of status for immigrant women.
- Address the needs of immigrant women in poverty. Provide universal access to health care, food stamps and other benefits for women in need. Enforce labor standards, and raise wage and benefit levels.

The report further recommends that the U.S.:

- Ratify the 1990 UN Convention on the Protection of Rights of All Migrant Workers and Members of Their Families.
- Support participation and attention to the 2001 World Conference on Racism, Xenophobia, and Related Forms of Intolerance, including a critical focus on migrant women's issues and the intersection of racism and xenophobia in the U.S.

For NGOs working on migrant and women's issues, the report recommends:

- Support organizing and leadership of immigrant women and girls in the U.S.
- Foster collaboration of academics and researchers to address the data gaps.
- Challenge anti-immigrant sentiment and the criminalization of immigrant women.
- Centralize a platform of racial justice for all women.

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Introduction

The United Nations' assessment of the Platform for Action from the 1995 World Conference on Women, held in Beijing, China, provides a timely opportunity to explore and evaluate the conditions and concerns of immigrant women in the U.S. *Hands that Shape the World*, coinciding with the "Beijing +5" assessment process, examines key issues confronting immigrant women over the five years since the Beijing conference.

The UN assessment itself will be reviewed in a special session of the UN General Assembly, meeting June 5-9, 2000 under the theme, "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century." The National Network for Immigrant and Refugee Rights has convened a national delegation of U.S. immigrant women to participate in the non-governmental activities linked to this effort.

Hands that Shape the World was initiated to help raise awareness about the specific circumstances and challenges facing immigrant women. Migrant women's particular needs and rights have often been overlooked or simplistically addressed at national levels and in venues as important as the United Nations. The Platform for Action (PFA), the main document from the Beijing conference, acknowledges the special vulnerabilities of migrant women to abuse and violence, but does not address many of the particular conditions of migrant women or the basic causes of this migration experience. U.S. commitments for implementation of the PFA also largely neglect immigrant women's issues and concerns. (Detailed in the sections "Beijing World Conference and Platform for Action," and "U.S. Commitments to the Platform for Action," located in the Appendix of this report.)

Within the U.S., there are few existing infrastructures designed to promote and facilitate involvement of migrant women or the inclusion of their concerns in activities such as Beijing+5. Although some immigrant women from the U.S. participated in the Beijing conference in 1995, there has been little ongoing networking on the outcomes of the conference (with the notable exception of advocacy on domestic violence and gender-based asylum issues). For the most part, U.S. immigrant women's organizations have remained outside the parameters of women-focused non-governmental organizations at both national and international levels.

In highlighting current issues, *Hands that Shape the World* gives particular attention to the impact of 1996 legislation on the most vulnerable immigrant women: those who are low income or living in poverty, and who may live in the U.S. without legal immigration authorization —the undocumented. The report does not include a focus on the formal refugee population, although it does consider those women who have been unable to obtain

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refugee status and may count among the undocumented. The report also seeks to underscore that most immigrant women are also women of color and/or poor, and as such, need to be included within broader considerations to ensure racial and economic justice.

Hands that Shape the World incorporates the voices of immigrant women themselves, along with analyses and commentary from organizers and advocates who have been working to advance the rights of immigrant women. The report draws from both new and existing sources on issues affecting immigrant women — despite the fact that the lack of specific information concerning migrant women is fairly stark. Government data, where it exists concerning immigrants, often does not break out gender information, while other studies on women in the U.S. often overlook immigrant women.

The report presents recommendations for policy and action at different levels. However, we recognize that for any such recommendations to become reality, much more effort is needed to support the empowerment and participation of immigrant women. Greater awareness and commitment among immigrant rights activists and advocates can contribute significantly by incorporating the specific concerns of immigrant women as a central issue within the immigration arena.

Strategic commitments are necessary to address the long term consequences of women's migration. As *Hands that Shape the World* acknowledges, poor economic conditions in many developing countries, with related wage cuts and greater restrictions on any form of social support systems, have thrown many more women into the traditional migration streams once dominated by men. Women constitute over half of all new immigrants arriving in the U.S. each year. The growing numbers and presence of immigrant women from diverse backgrounds highlights the vital role that immigrant women play within families, workplaces, neighborhoods, and communities.

Immigrant women also help to "hold up half the sky," and the National Network and other groups and individuals who have contributed to this report hope this effort will stimulate greater interest and support for the protection of immigrant women's rights and enhanced roles in shaping a shared global future.

Immigrant Women in the U.S.:
Navigating the Challenges of Globalization

Immigrant women in the U.S. are far from constituting a homogenous group; they live in diverse communities, have varying educational and economic backgrounds, speak different languages, and bring with them the rich cultural traditions of countries and people throughout the world. Yet they are evidence, as a group, of the substantial impact of inequities caused by political and economic changes in the world.

International agencies estimate that there are over 50 million women in migration around the globe.[1] They are part of an unprecedented number of current international migrants some 130 million people described as "uprooted people" by the World Council of Churches and as "refugees of the global economy" by others. Migration is often the only choice left for people living in countries wracked by poverty, high levels of unemployment and low wages, a breakdown and depletion of social support systems, environmental degradation, civil unrest, and persecution. Traditional categories of "refugee" or "economic migrant" are too polarized to capture the experience or motivation of today's migrants whose generalized conditions have propelled them to migrate as a means to survive. They are the product of an accelerated process of globalization in which the worldwide competition over markets and resources has created tremendous wealth for some, and desperate poverty for many. These conditions are often accompanied by political instability, persecution, and violence.

As globalization proceeds, more people are being excluded from meaningful participation in the market economy, as well as being denied the means for a dignified life and respect for their economic, social and cultural rights. In this context, Migrant Rights International director Patrick Taran explains that "migration today is less about seeking a better life; it is more about having life at all, simply seeking survival."[2]

The migration of women is an indicator of the growing number of desperate conditions in countries where such fundamentals as food, shelter, and jobs are unavailable. As scholars of globalization have noted, both in their indebted home countries and abroad, women bear the consequences of economic practices that are widening the gap between rich and poor around the world.[3] In some countries, global economic restructuring has focused agricultural production for export, while structural adjustment programs (SAPs) have pushed families out of subsistence agriculture, traditionally a sphere for women's work. As a condition of loans from international money lenders like the World Bank, SAPs have imposed government budget cuts in social programs, reduced wages, or opened markets to foreign investors.[4] As a result, conditions for immigrant women and their families have deteriorated in areas of work, health and nutrition.

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The particular vulnerability of women within the global labor market is evidenced in all aspects of women's lives and struggles for survival. As described by author Grace Chang: "When wages and food subsidies are cut, women as wives and mothers adjust household budgets often at the expense of their own and their children's nutrition. As public health care and education vanishes, women suffer from lack of prenatal care and become nurses to ill family members at home, while girls are the first to be kept from school to help at home or go to work. When export-oriented agriculture is encouraged, or indeed coerced, peasant families are evicted from their lands to make room for corporate farms, and women become seasonal workers in the fields or in processing areas. Many women are forced to find work in the service industry, in manufacturing, or in home work producing garments for export."[4]

Migration: A More Viable Option for Survival

As women are displaced in poorer countries, migration appears as a more viable option for survival. Conversely, in industrialized countries like the U.S. the demand has grown for women to work in low-wage, largely unregulated service and manufacturing industries as seamstresses, janitors, domestic workers, and hotel maids. Ironically, many women in poor countries who must migrate abroad in order to provide for their own families end up caring for the elderly and children of families in industrialized countries. Pierrette Hondagneu-Sotelo describes this phenomena as "transnational motherhood." (See page 32). She compares the experience of immigrant nannies and housekeepers to the historical roles of slaves and contract laborers, all "systems of labor that do not recognize family rights."

In such roles, immigrant women often find employment in jobs that are low-waged, temporary, or in the informal economy with no promise of stability or access to health benefits for themselves or family members. For immigrant women without legal immigration status — the undocumented — work is even more precarious and women workers are particularly vulnerable to abuse and exploitation.

The migration of women — as workers, mothers, partners, daughters, political refugees — is literally changing the face of the U.S. Over half of the immigrants coming to the U.S. in recent years are women[5], a sharp contrast to immigration patterns of the early 1900s when male migrants from countries in Asia, or from Mexico provided much of the cheap, manual labor for agribusiness, fish canneries, or railroad construction.

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"Sometimes I get discouraged and I just give up and say, 'well, at least I have a roof over my head.' But then I look at my children and I want them to have something better."

– Laura Arreola, janitor at Silicon Valley computer firm who lives in a two-car garage with her husband, two children, and younger brother. Despite the fact that three adults in the family are working, they cannot afford the expense of an apartment. [5]

Immigrant Women, Population, and the Environment

The increasing presence of immigrant women has not gone unnoticed by conservatives and immigration restrictionists. Population control advocates, citing the "high fertility rates" of immigrant women, raise the alarm that immigration will drive up population numbers and wreak havoc on the environment.[6] Immigrant women have also been targeted by welfare reduction proponents who portray immigrant women as "welfare queens" who cross the border into the U.S. to take advantage of public benefits.[7]

These arguments harken back to the not-so-distant history of immigration policy which purposely excluded women in order to circumvent the growth and permanent settling of immigrant families. Such policies were particularly stark at the beginning of the 20th century, when immigration from Asia and Mexico was perceived as a threat to the racial purity of the Euro-dominant population of the U.S. For decades, immigrant women, children and families were not welcome, a pattern which continues in various forms today.

Looking Toward the Future

Despite blatant discrimination, however, immigrant women are becoming a visible and active force in cities and rural areas throughout the U.S. They are leaders in worker organizing and in pressing for educational access for their children, for better services in their neighborhoods, and for protection from toxic pollution in their communities. New organizations are emerging for mutual support, to coordinate skills development and cooperative economic projects, to address problems of domestic violence, and to intervene in concerns for the safety and development of alternatives for immigrant youth and children. Immigrant women play a vital role in building community, in the face of the powerful dynamics of immigration restriction, institutionalized racism, cultural alienation and a sometimes hostile public. Despite the fact that their efforts do not always receive public recognition or charitable/governmental support, the challenges migrant women pose to global structures are formidable.

In evaluating the progress and commitments five years after the Beijing Platform, it is our hope that the critical issues framing migrant women's experience in the U.S. will be included in future discussions and resolutions around women's rights globally and locally.

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Profile of Immigrant Women in the U.S.

Immigrant women in the U.S. are not a homogenous group, but rather come from diverse situations and regions throughout the world, while still being linked through the process and trials of migration.

Unfortunately, the lack of information and services focused on immigrant women in the U.S., and on the protection of migrant women's human rights, is glaring. Data collection which addresses immigrants often fails to use a gendered lens, while data on women often distorts and ignores the cultural, linguistic, economic, and racial/ethnic diversity of immigrant women.[1] Compounding this problem is the difficulty of gathering information without jeopardizing the health or status of immigrants, especially those who are undocumented, within a climate of hostility towards migrants.

Nevertheless, if one were to extrapolate from the limited data on immigrant women in the U.S., a "typical" profile might describe a Mexican noncitizen living in Los Angeles with limited English proficiency, education, training, access to health care, and future employment opportunities. This "typical" immigrant woman would represent in many ways the multiple vulnerabilities of immigrant women. The majority of women immigrating to the U.S. are women of color (about 85 percent according to INS data on sending countries) who will face discrimination based not only on gender, economic, and immigration status, but also in terms of race or ethnicity.

The foreign-born population of the U.S. currently constitutes about 8.5 percent of the total population,[2] with women making up a slight majority of the foreign-born.[3] In general, immigrants migrate to specific regions of the country, including California, where 25percent of the population is foreign-born, New York (20 percent), Florida (16 percent), Texas (11 percent) and New Jersey (15 percent).[3] More than half of all immigrants in the U.S. live in just seven metropolitan cities: Los Angeles, New York, Chicago, Miami, San Diego, Houston and San Francisco.[4] However, the 2000 Census will likely reveal growing patterns of immigration into the Southeast and Midwest regions as well.

While many immigrant women are concentrated in specific regions of the U.S., the countries from which they come represent the diverse histories, economies, cultures, races, ethnicities, and languages of the world. In California, the most prevalent immigrant nationalities are Mexican, Filipino, Vietnamese, Chinese, and Indian. Immigrants from the Dominican Republic, China, Jamaica, the Ukraine, and Guinea dominate in New York, while immigrants to Florida come mostly from Cuba, Haiti, Jamaica, Colombia, and the Dominican Republic.[5]

"I have been working at my job for 10 years. For my first three days of work there [in a U.S. sewing factory], I received $19 and was very angry. I continue to wish for an eight-hour workday, overtime pay and benefits, and that my boss wouldn't yell at me."

– Shirley Liang, a Chinese immigrant, garment worker, and peer teacher active with Asian Immigrant Women Advocates in Oakland, CA.[2]

Immigrant women in the U.S. face multiple challenges, including racial discrimination, as they try to create lives for themselves and their children. About one-third of immigrants who arrived in the 1990s had incomes below the poverty level.[6] According to a recent study of over 150 mostly Mexican and Vietnamese women, poor immigrant women are frequently concerned about English proficiency, education and training, employment opportunities, child care, transportation, health, hunger, housing, domestic violence and isolation.[7]

Although education and employment are key aspects that can affect women's quality of life, information regarding immigrant women's level of education is often couched within studies that do not distinguish by gender. Overall, educational levels of immigrants appear to be concentrated at the extremes of the distribution. In 1996, 25 percent of foreign born adults had a college degree; at the same time, 36 percent of foreign born adults had not completed high school.[8]

Occupational opportunities for immigrants also vary greatly, and employment options for immigrant women are even more severely limited than those for immigrant men. More and more undocumented women work in private households, responding to the demand for family caregivers and domestic workers. Others work in both the formal and informal sectors in occupations such as machine operators, food service, fabricators and assemblers, or janitors. Migrant women are often subjected to conditions which are only minimally, if at all, monitored for safety, health, or insurance protections.[9]

Immigrant women negotiate multiple identities as mothers, spouses, employees, primary and supplementary wage-earners, navigators of a foreign and difficult health care system, mono- and multi-lingual professionals and laborers. Yet too often, they are simply classified by their legal status: documented or undocumented.

This section was researched by NNIRR intern Carolyn Carr.

U.S. Immigration Policies Undermine Women's Rights

"In 1996, my husband came first. We were separated for a year . . . My two youngest ones were born in Mexico. My daughter was nine at the time and my son was six. When I first attempted to cross, I took my children to a woman who I didn't know, who took them to Los Angeles . . . I was not able to cross and was sent back twice. Six months passed until I was able to see my husband and kids."

– "Maria," a Mexican immigrant woman, member of Mujeres Unidas y Activas, a Latina immigrant women's group in San Francisco, California.

Today, immigrant mothers face agonizing decisions about whether to separate from their children in order to eventually legalize their status or to return with their children to a home country where they may not be able to support them. Since the Beijing conference in 1995, legislative changes have sent the message that family reunification, once a cornerstone of U.S. immigration policy, is no longer central to policies regulating the migration of many migrants, particularly people of color, working class families, and women. In fact, the main consequence of many of the laws passed since 1995 has been family separation, rather than family reunification.

Laws and policies which have specifically impacted women migrants are not new. Contemporary U.S. immigration policies, while not explicitly focused on women, are rooted in the same gendered system which denied many migrant women the right to join their families or to obtain citizenship in the late 19th and early 20th centuries (such as the 1875 Page Law, the 1907 Expatriation Act, and the 1921 "Ladies Agreement"). Prejudice about gender, race, class, religion, language and sexuality have been integral and interlocking components of U.S. immigration policies for the last two hundred years.

Overview of Immigration Legislation Since 1995

Following the platform established in Beijing in 1995, several key pieces of legislation were passed by the U.S. government which dramatically impacted the labor, civil, and human rights of migrant women and other vulnerable women in the U.S. Although some of this legislation is drafted in language that appears gender-neutral, its provisions have a distinctive impact on women:

- **The Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA)** was purportedly designed to address terrorism, but included some explosive provisions impacting immigrants. The legislation eliminated a "forgiveness" waiver that previously blocked deportability for permanent residents with relatively minor criminal offenses. It also changed the definition of certain crimes, such as minor drug possession and bad check-writing, to felonies, thus amplifying their immigration-related consequences. Both of these measures were applied retroactively. As a result, thousands of longtime permanent residents who had already served time for a prior conviction suddenly found themselves arrested and subject to mandatory detention and deportation.

- **The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)** included some of the most punitive legislation passed against immigrants in over fifty years. Undocumented residents were subject to harsh criminal penalties for the use of fraudulent documents, and were deemed ineligible for numerous grants and loans. IIRIRA also severely curtailed possibilities for undocumented residents to legalize their status through political asylum and "suspension of deportation," a waiver previously available to those who had been living as undocumented immigrants for many years. Undocumented immigrants wishing to legalize their status through family reunification were also subjected to 3 and 10 year bars to re-entering the United States after returning to their home countries to process their immigration documents. The act substantially increased enforcement operations along the U.S.-Mexico border and in the interior of the United States, allowing for more invasive enforcement of immigration laws by police and other officials. For legal residents, the act imposed stringent economic requirements on petitioning relatives.

The 1996 laws were accompanied by sweeping national welfare reform, as well as local and state initiatives to restrict bilingual education and limit access to health care, higher education, drivers' licenses and social services. In addition, a provision of the Immigration and Nationality Act known as 245(i), which allowed spouses awaiting residency to adjust their status without having to leave the U.S., was allowed to expire in 1998.

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Impact on Women and Families

Under AEDPA and IIRIRA, many families have been forcibly separated by the wrenching detention and deportation of a parent or spouse. This often leaves women with the sole responsibility of supporting a family and children.

The provisions requiring immigrant sponsors to meet strict income requirements severely limit the ability of poor women to be reunited with their families. Many families do not meet the minimum standard of income 125 percent above the poverty level. In fact, in 1995, the poverty level was less than $15,455 for a family of four, making it nearly impossible for 35 percent of citizens to bring in their family members.[2] If a woman's husband is making minimum wage, there is a good chance he cannot qualify as her sponsor.[3]

Strict bars to re-entering the U.S. place migrants in a difficult bind and prevent many women from legalizing their status. With the expiration of the 245(i) provision, migrant women who seek to legalize their status by returning to their home countries are forced to leave their children and families in order to process immigration documents. In doing so, they could face a 3 or 10 year bar on re-entering the U.S. because of their previously undocumented status. These provisions primarily impact women, who are more likely to legalize their status by means of family relationships.

More immigrant women face deportation under IIRIRA. In deportation proceedings, an undocumented migrant woman must convince an immigration judge that she has been in the U.S. for ten years and that her deportation would cause "exceptional and extremely unusual hardship" to a U.S. citizen or permanent resident spouse or parent. Under previous law, hardship to herself or to her children was sufficient to avoid deportation.

The Beijing Platform declares that "governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect those rights."

Immigrant Women Facing Deportation

In Falls Church, Virginia, a woman who called the police on domestic violence charges now faces deportation. After her husband beat her repeatedly and sat on her, she was arrested for biting him. She faces separation from her children, all of whom were born in the United States.[4]

In Atlanta, a mother of two who was wrongly convicted of shoplifting outfits worth $14.99, faces deportation for attempting to return baby items without a receipt. When initially charged, she entered a guilty plea to end the matter quickly and paid a small fine. New laws make her old crime a deportable offense.[5]

In Eastern Washington, a woman in an apple-packing factory was deported after an immigration raid. She was not informed of her right to a hearing or an attorney, and signed a voluntary departure form. She was forced to leave her children, including one with Down's Syndrome, in the United States. She would have been eligible for suspension of deportation under prior laws.[6]

Border Patrol Abuse of Female Migrants

"At around 1:30 a.m. . . . the agent escorted me to an office and told me he needed to check to see if I was carrying anything. He told me to lift up my blouse and brassiere so he could search me. I told him I wasn't carrying anything and I shook my shirt and brassiere to show him that there wasn't anything hidden. He said that I shouldn't be afraid, that he wasn't going to do anything to me. He then proceeded to place his hands underneath my shirt and brassiere. He then lifted my shirt and placed his hand down the front of my pants, over the top of my underwear, and touched the lower area of my stomach . . . I began to cry because of the way the agent had touched me."

—16 year old Guatemalan girl arrested by the Border Patrol near Corpus Christi, Texas. The girl filed a complaint against the agent, but later sought to withdraw it when a deportation officer threatened that he would not release her from detention while the complaint was pending.[1]

Increased policing at U.S. borders threatens the lives and families of immigrant women. Military-style tactics and equipment used to identify and detain migrants — substantially fortified through recent legislation — have made crossing to the U.S. more dangerous than ever. Along the Mexico-U.S. border, new "blockade-style" strategies such as Operation Gatekeeper in San Diego, Operation Rio Grande in South Texas, and Operation Hold the Line in El Paso have heightened border militarization in several areas since 1995.

Migrant women seeking to cross the border face a difficult dilemma. They must either cross through the dangerous deserts and mountains, where bandits and Border Patrol agents have assaulted and raped numerous women,[2] or travel through checkpoints closer to the cities using false documents, for which there are new penalties. In some areas, migrant women may face additional checkpoints to determine if they have previously used public benefits, or, in the judgement of an officer, are likely to do so. Officers regard pregnant women with particular suspicion, and often turn them back.

Despite more stringent border control measures, the forces compelling migration ensure that immigrants continue to cross the Mexico-U.S. border. Directed away from border cities to more dangerous and isolated terrain, migrants often face extreme temperatures, drowning, dehydration, or assault. According to the University of Houston, an average of 300 migrants die each year attempting to cross the Mexico-U.S. border.[3]

Travel back and forth across any border is increasingly dangerous for undocumented immigrants. They face summary removal by a low-level officer if they are caught at the

border, and under IIRIRA, they could be charged with illegal re-entry, jailed, and prevented from ever returning legally if they attempt to cross again.[4]

Human rights advocates and civil rights groups have criticized the expansion of border control measures due to their impact not only on migrants, but on all members of communities forced to live in a militarized environment. Rights of due process and freedom from arbitrary search and seizure are frequently ignored in border zones. U.S.-born women of color, especially Latinas, are often targeted for questioning and harassment by immigration authorities, particularly if they have children and are suspected of migrating to the U.S. to "take advantage" of social services. Indigenous women from tribes which span borders face constant harassment and abuse when they attempt to cross for tribal ceremonies or gatherings.

The Beijing Platform asserts that "women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials . . ."

Border Patrol Agents Frequently Deny Women's Civil Rights

In 1999, Mrs. Flores, her two children, and her husband went to eat at a restaurant near San Diego, California. A Border Patrol agent in civilian clothes approached the family in the parking lot and asked them for papers, telling them they were under arrest. Mr. Flores showed the original birth certificates for all members of the family. The agent tore them up, and burned the original marriage certificate with a cigarette lighter. He handcuffed Mr. and Mrs. Flores and their two-year old daughter, and put them all in a van with no seats. Mrs. Flores and the children were placed on a steel floor in the back, with no seat belts. The agent hit Mr. Flores in the face. As the agent drove the van, Mrs. Flores could not hold onto the children because she was handcuffed. As the car bounced, the baby was banging her head on the steel floor of the car. The agent told them that they should go back to their country and that they would never see their children again.[5]

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Immigration Enforcement's Impact on Women

"We were excited and hopeful [about the union.] [But once we were arrested,] they made us feel like criminals . . . like bad people, that we did something wrong, when all we were doing was working."

—Reyna Albino, a 24-year old housekeeper at the Holiday Inn Express in Minneapolis, arrested by the INS once she and other workers tried to join a labor union to ensure higher pay and better working conditions.

The U.S. government's extension of resources and firepower to non-border areas has negatively impacted immigrant women's rights since the Beijing conference. As part of an "interior enforcement strategy" unfolded in the late 1990s, the Immigration and Naturalization Service (INS) has increased its presence and activities in areas with newer immigrant communities, and in more rural and isolated areas. In 1998, the INS announced that its level of employment of armed agents had surpassed any other federal entity — including the FBI.[2]

In its zeal to round up and deport immigrants, the INS has seriously harmed women and their families, workplaces, and community institutions. The National Network for Immigrant and Refugee Rights documented many incidents of violence, sexual harassment, and civil rights abuses during INS raids on workplaces and homes in a 1998 report entitled *Portrait of Injustice: The Impact of Immigration Raids on Families, Workers, and Communities.*

A Threat to Migrant Women's Labor Rights

Immigration enforcement activities, including raids, industry-wide audits, and INS-mandated firings, undermine workers' efforts to organize against exploitative working conditions. Employers use immigration laws and the threat of deportation to silence complaints about poor working conditions, exposure to toxic substances, or low pay — impacting the labor rights of all workers at a workplace. In the spring of 1999, for example, the INS mandated the firing of over 700 workers at fruit packing plants in eastern Washington state, at the same time that many workers were pursuing union contracts in

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several of the plants. The sudden firings paralyzed the unionization effort and left over 700 families, including many female-headed households, without financial resources to provide for their basic needs.[3]

The case of eight female housekeepers at a Holiday Inn Express hotel in Minneapolis also demonstrates an employers' power to use immigration enforcement to suppress labor rights. The workers, who had recently organized a union and were about to begin contract negotiations, were suddenly turned in to the INS by the hotel manager. In an unprecedented action, the Equal Opportunity Employment Commission determined that the workers had been subjected to discrimination and retaliation by the employer, and awarded a settlement to the workers. Several of the women were granted at least temporary immunity from deportation due to the extensive efforts of religious, union, and community leaders.[4]

Impact on Migrant Women's Health and Community Participation

INS enforcement activities target and intimidate women both within and outside of the work environment. The presence of INS agents outside schools, health clinics, shelters, and other community institutions traditionally accessed by women poses serious obstacles to the provision of these services. Even when families remain legally entitled to the services of such institutions, fear of being an enforcement target due to ethnicity, or misunderstanding eligibility for services keeps many immigrant women away from these institutions. Fearing arrest and deportation, many women are unable to make informed decisions about their health or to attain adequate care for themselves and their children.

Fostering a Climate of Violence

New efforts have enhanced cooperation between federal and local law enforcement agencies to identify and arrest suspected unauthorized migrants. These efforts have further fostered a distrust of police and added to the tension and fear that already exists between many law enforcement agencies and communities of color in the U.S. This type of enforcement particularly affects women, who may be more reluctant to report crimes against themselves or their families. A woman relying on a visa petition from her spouse to legalize her status may not report domestic violence to the police if she fears that she or her husband could face deportation.

Even when women and girls assert their rights, they may risk retaliation. In one 1998 case, a young girl in Santa Rosa, California bravely told the police not to come in unless they had a warrant. She then witnessed police and INS agents break down the door and pull her brother and father out of bed anyway.[5]

Although the case of Elian Gonzales drew unprecedented press attention, many other children who have witnessed violence by the INS and have seen their parents or other relatives interrogated, shackled, and detained, have suffered serious psychological effects.[6]

Although this law-enforcement approach has done little to deter migration, it has increased the urgency of gaining legal status for immigrant women who do not want to face the risks associated with remaining undocumented.

The Beijing platform affirms that acts of violence, "whether occurring within the home or in the community, or perpetrated and condoned by the State, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for the development of peace . . ."

Gender and Asylum

Sent Back after Fleeing from Fear

A 29-year old Albanian woman arrived in the United States fleeing persecution by a political faction trying to recruit her husband into the army during a period of civil instability. After her husband fled and she had successfully hidden several times from this faction, masked gunmen entered her house and gang-raped her. Fearing the attackers would return, her brother-in-law bought her a fake passport and a plane ticket to the U.S. When officials at the U.S. airport discovered her false documents, they gave her a form outlining the expedited removal procedures in English, a language she could not understand. A male Albanian was present at her airport interview. The woman's humiliation about the incident and desire to hide from all Albanians who may have had some connection to her perpetrators prevented her from telling her full story. Eventually, she faced a judge at a "credible fear" interview with an unfamiliar attorney and told her story about the gang-rape. The judge found the story unbelievable, partially because she had changed it from the original interview. Unable to appeal or seek a review of the decision, which was the normal procedure prior to 1996, she was deported back to Albania.

Although immigrant women have been increasingly successful at winning asylum claims around issues of genital mutilation, sexual orientation, forcible sterilization, and sexual assault, IIRIRA generally makes it more difficult to claim persecution. Immigrants seeking asylum now have just one year from arrival in which to file a claim, and may easily miss the deadline if they do not have legal, moral or financial support. All women who arrived fleeing persecution before April 1, 1997 became ineligible to file for asylum as of April 1, 1998. Asylum seekers have also been denied work permits that previously would have been available. Consequently, many women seeking asylum are left with no ability to work legally and are increasingly vulnerable to exploitation.

Many asylum seekers face further barriers due to the "expedited removal" system procedures legislated in 1996. With limited opportunities for a legal hearing or access to counsel, women entering the United States can be denied entry right at the airport or border. Unless they can immediately persuade a low-level immigration officer of the validity of their claim for asylum, they are immediately sent back to their home countries. Many women experience fear, humiliation, and confusion when they arrive in the U.S. and must immediately explain their story to a (usually male) officer, often through an interpreter.

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Women in Detention

"The jail took away my shoes because they were a different color. I walk around barefoot. The jail does not give us underwear or a bra — even when we have our period. I just have to sit around when I am using a Maxi pad."

— Reina Gonzales, an immigrant from Honduras, held at Liberty County Jail, a private, for-profit corporation in Texas.[1]

In 1998, INS Commissioner Doris Meissner testified before the U.S. Congress that detention conditions for women migrants were below standard. She stated that "conditions of confinement in our facilities, as well as in local detention facilities, are another area of concern, especially as it affects women."[2] Despite such concerns, conditions for migrant women detainees have severely deteriorated since the passage of the Beijing Platform.

Immigrants have become the fastest-growing incarcerated population in the U.S., due to laws that have mandated detention for many groups of migrants. In 1992, the INS detention capacity was at 6,529 beds.[3] But today more than 17,000 people are held in detention on an average day, tripling detention capacity. At this rate, there will be nearly 23,000 immigrants held in detention each day by the end of 2000.[4] Although the INS estimates that only about seven percent of its detainees are women, Amnesty International has determined that this small percentage often results in the needs of female detainees being overlooked.[5] In a pivotal 1997 study, the Women's Commission for Refugee Women and Children found that women asylum seekers are particularly vulnerable to neglect and abuse, and that their physical and psycho-social needs are usually not addressed.[6]

About 60 percent of detainees are held in local jails as they await their deportation hearings or the processing of their political asylum claims; the other 40 percent are held in INS operated facilities.[7] Many of these detainees do not have access to legal counsel, and are held in remote areas far away from family and friends. Frequent transfers, isolation, and inadequate access to a telephone or other communications impede legal processes. Furthermore, some detainees are subject to indefinite detention due to lack of diplomatic relations between the U.S. and their countries of origin.

Specific Needs of Migrant Women Ignored

When they are held in state and county jails, many female detainees are confined with the general prison population. Despite international standards for the treatment of detainees, such as the United Nations High Commissioner on Refugees' guidelines on the treatment of asylum seekers issued in 1999, the specific needs of female detainees are often ignored. The INS does not train guards with regards to these populations or actively ensure access to services in response to their special needs.[8]

For example, at the Port Isabel Service Processing Center near Harlingen, Texas, Central American women awaiting determination of their asylum claims are held in a facility fifteen miles away from the nearest city. Women have reported that they are only allowed a change of clothes every four days, regardless of when they are menstruating. Counseling services are rarely available to women detainees, many of whom suffer from post-traumatic stress syndrome due to their journey across the Mexico-U.S. border or the conditions they left in Central America. On occasion they will be visited by a religious social worker. Over the years, reports of sexual abuse of female detainees by INS guards and private security personnel have been reported. Until recently, the medical facility at the center was under the jurisdiction of the INS, and aspirin was the most comprehensive treatment offered.[9]

The U.S. should review and reconsider the wave of recent laws which have unfairly subjected many migrant women to unnecessary and dehumanizing periods of detention. As long as the U.S. continues to detain migrants, it must work to address the needs of particular groups — including women, asylum-seekers, lesbians, people with disabilities, and others — who may need special protections in detention. Moreover, U.S. detention policies and practices must comply with international standards.

The Beijing Platform notes that "some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants . . . women in institutions or in detention . . . are also particularly vulnerable to violence."

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Immigrant Women and Welfare Reform

"I have to try my best in order to provide for my daughter's needs. I'm looking for any kind of job — even minimum wage — that fits with my abilities."

— Hong, a Vietnamese immigrant who got a job just above minimum wage through a state Welfare-to-Work program. She was later laid off "because of her English problem."[1]

One year after the U.N. Women's Conference in Beijing adopted its Platform for Action, the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 — sweeping legislation that targeted poor people and immigrant communities. The provisions of the act had a profound effect on the economic well-being of poor immigrant women.

Anti-immigrant sentiment, particularly focused on women, dominated the debate leading to the passage of the welfare reform measure. Proponents claimed that it "continues to be the immigration policy of the United States that noncitizens within the nation's borders not depend on public resources, but that noncitizens nonetheless have been applying for and receiving public benefits at increasing rates, and that it is a compelling government interest to enact new eligibility and sponsorship rules to assure that noncitizens become self-reliant and to remove any incentive for illegal immigration."[2]

The debate lacked any analysis of poverty, migration, and the intersection of race, class, and gender. To sell their argument, proponents employed images of "welfare queens" and immigrant women coming to the U.S. solely to receive benefits and have children. Proponents insisted that "as a result of the current welfare system, which discourages two-parent families, today's illegitimacy rate among welfare families is almost 50 percent and is rising."[3]

The 1996 welfare law ended the 60-year-old program that guaranteed benefits primarily for single mothers and children — Aid to Families with Dependent Children (AFDC). AFDC was replaced by a block grant program known as Temporary Assistance for Needy Families

(TANF), which allowed states to determine immigrant eligibility for benefits. TANF imposed harsh new time limits and benefit participation requirements, leaving many more women and families vulnerable to desperate poverty and hunger.

The welfare law has had a particularly devastating impact on immigrant communities, since cuts in benefits to immigrants accounted for over 40 percent of the resulting federal savings.[4] One million immigrants, primarily families with children, lost food stamps.[5] Almost 900,000 immigrants received notices that they were at risk of losing Supplemental Security Income (SSI), the cash assistance program for seniors and persons with disabilities.[6] For the first time, families with children, low-wage workers, seniors, and others with disabilities could be denied benefits solely on the basis of immigration status — regardless of their need for assistance. The provisions hit especially affected women, who often act as their families' liaison to the health and welfare system. Many women were left to find alternative means of providing food, medical care, and other urgent needs for themselves and their family members.

Immigrant communities responded to the attack by organizing, lobbying elected officials and becoming citizens in record numbers. As a result, the U.S. federal government partially restored benefits. On August 5, 1997, the federal government restored SSI eligibility for many immigrants — just one month before the scheduled SSI cut-off.[7] The following year, food stamps were partially restored for immigrant children and seniors who were already residing in the United States prior to the passage of the 1996 law.[8] However, many of the welfare law's restrictions remain in place and continue to deny many immigrants access to health care, food and nutrition assistance, and other safety net programs.

Lack of Eligibility

Most federal and state assistance remains unavailable to the growing population of immigrants who have entered the U.S. since the passage of the 1996 law. In addition, the new law allows individual states to bar noncitizens from state-run programs and from federally-funded TANF and Medicaid.

Some states have chosen to create their own programs to meet the needs of immigrants excluded from federal assistance. These new programs are, however, generally limited in their scope, and leave out some of the most vulnerable women and men — working-age adults. The

Urban Institute examined these state policies in a 1999 report, finding that many states providing substitute benefits to immigrants limit the reach of these programs by imposing additional conditions on eligibility or creating temporary programs that do not address long-term needs.[9]

Harsh restrictions on certain services and programs have been imposed by some states. For example, California attempted to impose immigration checks on a broad array of services, including prenatal care for undocumented women, emergency housing, state disability insurance, worker's compensation, and lead-based paint abatement. However, in 1999, immigrant rights advocates and community members successfully pushed the state government to maintain prenatal care services for all low-income women, regardless of immigration status. Immigrant restrictions still remain in over 200 state programs.

Barriers to Access

Even when immigrants are eligible for assistance, many are not accessing benefits due to fear and confusion. The Urban Institute study found that immigrants' use of public benefits dropped 35 percent in the wake of the welfare law.[10] Furthermore, the study concludes that the steep decline is due more to the "chilling effects" of recent policy changes than to actual shifts in eligibility introduced by the welfare law. The lack of language-appropriate services also creates another barrier to immigrants accessing information and assistance.

Anti-immigrant practices and policies continue to have a chilling effect of immigrant access to benefits and services to which they are entitled. In California, the Port of Entry Detection and California Airport Residency Review programs posted armed and uniformed Department of Health Services (DHS) agents at the Mexico-U.S. border. The pretext for the program was state benefits fraud detection; however, the programs targeted women of color with children as they crossed the border checkpoints. A settlement in a federal court decision found that DHS agents illegally demanded repayment of benefits from immigrants who had lawfully received health care.[11]

Lack of job training and educational opportunities

With the erosion of a safety net for immigrants, the ability of working poor immigrants to find and maintain quality, living-wage jobs is crucial for their survival. However, the thrust of the new TANF program is to simply drop participants from the welfare roll — not to lift them out of poverty. As a result, the much-touted reductions in the nationwide welfare caseload obscure the fact that many immigrant women are being left behind.

The emphasis on pushing women into "work activities" often ignores immigrant women's specific needs. Limited English proficiency leaves immigrant women vulnerable to discrimination and denial of services. According to a recent study by Equal Rights Advocates, an overwhelming majority of Vietnamese and Mexican immigrant women affected by welfare reform who were interviewed indicated they wanted to work. However, many women lack English language skills and could not find culturally appropriate training to move into job situations. The most significant difference between women who have worked in the past (and thus have job experience) and those who have not is English proficiency. Lack of childcare and accessible transportation also pose obstacles. Women also emphasized that just getting a job is not enough, since many jobs available to former welfare recipients pay substandard wages and provide no health benefits.[12]

This section was authored by Rini Chakraborty of the California Immigrant Welfare Collaborative.

The Beijing Platform acknowledges that "migration and consequent changes in family structures have placed additional burdens on women, especially those who provide for several dependents."

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Immigrant Women's Health

[At one point] my child got really sick and was taken to the emergency room; by this time he was almost four months old. I was told that he had an infection that may have reached his brain, and that it required different types of exams. After the exams had been conducted I had to take him to see his pediatrician, but because I did not have his [state-funded benefits], I had to pay the first few times, and later had to hold off taking him because I had no money. Since then, I have received bills for over three thousand dollars and I can't afford to pay them.

– Edith, a California resident, in a letter recounting the humiliating treatment she received from social workers while trying to get medical coverage for her son.

Since the 1995 Beijing women's conference, immigrant women in the U.S., especially those living in poverty, have continued to struggle with issues related to their own and their families' health. These issues include the negative impacts of federal and state legislation, health coverage, prenatal care, lack of linguistically accessible health care, HIV/AIDS, breast and cervical cancer, and the related expenses and trials involved in dealing with illness.

The 1996 welfare and immigration reform measures have arguably had the widest reaching impact of any legislation in recent years on the health of immigrant women and their children. These reforms decreased immigrant eligibility for major benefit programs, access to social and health services agencies, and increased communication with INS. Although some of the harsher restrictions have been rolled back and partially restored (SSI and Food Stamp restorations), these laws continue to shape immigrant women's access to health care.

Initially, the 1996 welfare and immigration laws generated fear about the impact of government assistance on immigration status. Immigrants refrained from using public health benefits for fear that they would be termed a "public charge" and refused permanent residency or citizenship. Immigrant women needing health services for themselves or their children were particularly impacted. For example:

- **A patient was deported for receiving prenatal care.**
  At an INS interview for lawful permanent residency in Yakima County, Washington, an immigration officer determined that the patient was a "burden on society" because she had received prenatal care. The patient had not received any other benefits, not even medical coupons for her U.S. citizen children.

- **A 40 year-old immigrant developed pregnancy diabetes which requires special care.**
  In California, a forty-year-old pregnant woman, married to a U.S. citizen, decided not to apply for Medicaid benefits to get pre-natal care even though she was eligible. She believed that if she received Medicaid, her application for permanent residency would be denied and she could be separated from her family. She had developed pregnancy diabetes, and without care and appropriate monitoring, clinic staff felt that both mother and child were at risk of major medical complications.

At the urging of health advocates and with growing awareness of such cases, the INS and the U.S. Department of State clarified public charge considerations in May 1999. The guidance makes clear that use of government-funded health services, with the exception of long term institutionalized care, should not be considered in determining whether an applicant is likely to rely on public benefits. It also reaffirmed that use of benefits is not an issue for citizenship. However, the State Department's lack of accountability to the guidance and other immigration restrictions continue to pose access problems.

Immigrant women's enrollment in the Medicaid program dramatically decreased following the passage of welfare reform. National data on benefit participation rates tell a similar story. Even though eligibility had changed for only a very few, use of welfare (TANF, SSI, or General Assistance) by non-citizen-headed households fell by 35 percent between 1994 and 1997, compared to a drop of only 14 percent among citizen-headed households.

Lack of Access to Care

Other issues discourage and complicate immigrant women's use of health services. While Title VI of the Civil Rights Act requires that federally funded programs cannot discriminate based on national origin, including discrimination based on limited English proficiency, most health service providers do not provide support for non-English speakers. Immigrant women often rely on family members or friends, including minor children, to interpret at their health care appointments. Such interpretations can severely compromise a woman's care, particularly if she is seeing the health provider because of domestic violence or because of a sensitive issue such as a gynecological problem.

Anti-affirmative action measures have also impacted access to care. There is a dearth of health providers of color to provide culturally competent care. The Office of Minority Health for the U.S. Department of Health and Human Services recently released proposed standards for Cultural

Health Statistics

Note: Data on immigration status is not collected in almost all health programs as an important measure to ensure confidentiality. A look at data on Asian American and Latino populations, however, gives some information about immigrant health status as immigrants make up significant proportions of these communities.

- 37 percent of Asian and Pacific Islander non-citizen women are uninsured.
- Fully one-third of all Latinas in California (comprising around 1.2 million women) are uninsured. Up to half of Latinas in Los Angeles County are uninsured.
- Between 1994 and 1997, the number of AIDS cases reported among Latina women almost doubled, from 12,601 in 1994 to 20,798 in 1997.
- While the rate of prenatal care for Asian or Pacific Islander women in the U.S. in 1996 was 81.2%, rates of early prenatal care among Samoan (48.4%) and Guamanian (66.4%) women are especially low.
- In Decatur County, Georgia, a county with an estimated 10,000 farmworkers and their families, only four pregnant women are enrolled in the state's Perinatal Case Management Program and as of early 2000, the county WIC program had only two active remaining Latina clients.

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and Linguistic Access as an initial attempt at addressing these issues, although implementation plans are unclear.

Currently, individuals with HIV are excludable from the U.S. under immigration laws (unless a waiver is granted). Therefore, many immigrant women fail to seek information about their HIV status or to access HIV prevention programs because of concerns about their immigration status.

Breast cancer is an issue for immigrant women and especially for the U.S.-born daughters of immigrant women. Statistics suggest that, along with factors related to living in the U.S., immigration to the U.S. can increase women's risk of breast cancer; the risk doubles after a decade of residence in the U.S.[4] Combined with lack of access to health care and health-related services, breast and cervical cancers can be especially deadly. Breast cancer is the leading cause of cancer mortality for Latinas in California, and the most frequent cause of cancer death among Filipinas nationally.[5] Latinas have the highest incidence of cervical cancer of any female racial/ethnic population.

A comprehensive agenda addressing the multiple health needs of immigrant women is crucial. Basic actions that could positively impact the health of immigrant women and girls include: universal health care for all U.S. residents regardless of immigration status, enforcement of Title VI and resources for developing language-access programs, better data collection to track disparities in health care and status, and the allocation of more resources focused on immigrant women's health.

This section was authored by Deanna Jang of the Asian Pacific Islander American Health Forum in San Francisco, CA.

The Beijing platform does not specifically address health issues as they impact migrant and refugee women.

Employment Conditions of Immigrant Women

"Occupational hazards in the electronics industry are an urgent focus. Sometimes, it's hard to breathe with all the chemical fumes in the workplace. Sometimes, unbeknownst to us, we are slowly being poisoned." [1]

– Sun Ho Han, Korean immigrant, electronics worker, and membership board member with Asian Immigrant Women Advocates in Oakland, CA.

While the last five years have signified a tremendous economic boom for the United States, many immigrant women have not reaped the benefits of this strong economy. Immigrant women continue to work long hours in arduous jobs, often enduring horrific conditions, including sexual harassment, in exchange for low wages that do not provide for their own subsistence — let alone that of their families. Moreover, as corporate globalization displaces women from their home countries, many are forced to migrate to the U.S., seeking means to survive in the global economy. Due to U.S. immigration policies, migrant women are often compelled into the underground economy where labor laws are willfully ignored by unscrupulous employers and where the government's enforcement efforts are virtually non-existent.

Lack of Employment Protections from Government Agencies

Immigrant women who turn to government agencies responsible for enforcing workers' rights face a startling lack of services as a result of inadequate resources appropriated by Congress. Agencies often lack multi-lingual staff and have few services accessible for limited English-proficient women. Although some strides have been made that generally benefit women, these have not trickled down to improve the economic well-being of immigrant women workers.

Among the U.S. government agencies charged with employment issues affecting immigrant women, the Equal Employment Opportunity Commission (EEOC) has jurisdiction over Title VII of the Civil Rights Act that prohibits race, national origin, and gender

discrimination, among other statutes. The EEOC has begun making strides in developing multi-lingual educational material, hiring bilingual investigators and attorneys, and conducting outreach to community-based organizations with credibility among immigrant women, particularly farm workers experiencing widespread sexual harassment.

In October 1999, the EEOC issued its Guidance on Remedies Available to Undocumented Workers, which provides for back pay and conditional reinstatement regardless of immigration status. This guidance, however, does not provide any whistleblower protections for undocumented women who report labor violations, and as a result end up in deportation proceedings.

Another agency that could play a crucial role in protecting migrant women workers is the U.S. Department of Labor (DOL), which enforces the Fair Labor Standards Act covering minimum wage and overtime requirements. Although the minimum wage was raised to $5.15 in September 1997, it is still not a livable wage. The pay inequities among the genders continue, especially for women of color, including many immigrants. In 1998, African American women's earnings were only 63 percent of those of their white male counterparts, while Latinas earned 53 percent, and Asian Pacific American women 75 percent.

In 1998, DOL and the Immigration & Naturalization Services (INS) issued a Memorandum of Understanding repealing a previous agreement which required DOL to report undocumented workers it identified when investigating a wage and hour violation. Nonetheless, the sharing of information continues in targeted investigations in industries such as garment factories, hotels, and restaurants which are replete with immigrant women workers. Thus, the memorandum continues to silence immigrant women working at below minimum wages or extremely long hours without any overtime pay, for fear of ending up in deportation proceedings.

The fact that the U.S. is the only industrialized country that does not provide some form of paid parental leave with job protections also impacts immigrant women's work. The Family Medical Leave Act (FMLA) enacted in 1993, which the Department of Labor (DOL) enforces, provides a worker the right to take up to twelve weeks of unpaid leave without losing her job or benefits — if any are afforded her — in order to care for her own serious medical condition, that of an immediate family member, or to bond with a new born or adopted child. Since women are often still the primary care takers, they benefit greatly from FMLA. However, an unpaid leave means that low-wage workers can never benefit from FMLA. Its eligibility requirements also exclude immigrant women working for small employers, for temporary agencies sending them from one company to another, or who are part of the underground economy.

Immigrant women also face prevalent health and safety workplace violations that endanger both themselves and their families. The ramifications of these egregious problems — too often permanently disabling or even fatal — are too grave for the federal Occupational Safety & Health Agency (OSHA) and its state counterparts to address with their current funding. The lack of investigative resources leaves entire industries unregulated, rendering immigrant women to work without safeguards in some of the most dangerous occupations including manufacturing plants, agricultural work, and sweatshops.

Over the last five years, immigrant women have made significant strides in fighting to defend their workplace rights through formal and informal unions in various sectors, including janitorial, restaurant, hotel, and domestic work. Most immigrant women, however, remain unorganized in both the formal and informal sector, and thus more vulnerable to workplace abuses. A climate framed by immigration laws which undermine workers' rights only highlights the importance of strengthening government protections to set a basic standard for wages and working conditions.

This section on government protections and employment rights was authored by Marielena Hincapie of the Employment Law Center in San Francisco, CA.

The Beijing platform recognizes that "women migrant workers, including domestic workers, contribute to the economy of the sending country through their remittances and also the economy of the receiving country through their participation in the labor force."

Hidden Workers: Women in the Informal Sector

Women comprise the majority of workers in the informal sector, in the U.S., and are often trapped in what amounts to a hidden workforce. Street vendors, day laborers, sweatshop workers, and others who earn wages below regulatory minimums work in unsafe conditions and do not enjoy either job security or health benefits. In the growing informal sector, women experience the worst wage discrimination and job conditions. This growing population of exploited women workers largely remains hidden from policy makers, uncounted in official statistics and invisible within today's "full employment economy."

Very little is documented about the lives and activities of informal workers. This is partially explained by the fact that, by their nature, informal economic activities are hidden and thus not usually reflected in official data. It also reflects the myopia of academics and politicians alike who refuse to believe that such activities take place in industrialized economies and continue to see it as a problem unique to developing countries.

In Los Angeles for example, about a third of the economy — or approximately 1.25 million workers — has a potential for being informal. Immigrants fill 69 percent of formal jobs and as the level of informality increases, the proportion of immigrants rises. Among women involved in informal economic activities, over 80 percent are women of color and 60 percent are Latinas. The annual income of informal female workers is less than $10,000, the lowest of any other employed group.

Poor and immigrant women may consider informal economic activities as their only option for survival. Thus, in a context of economic insecurity where corporations are constantly searching for lower cost labor and the government fails to enforce workers' most basic rights, women both in the U.S. and abroad are likely to be exploited in the hidden workforce.

This section was excerpted from materials prepared by Pascale Jossart-Marcelli for A Women's Lens on Global Issues, Los Angeles, including "A Facet of Informal Economic Activity in Los Angeles," April 2000.

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Transnational Motherhood

The past five years have shown little improvement for the working conditions of U.S. immigrant women who clean homes, take care of children, or tend to the elderly.

Why are thousands of Central American, Mexican and Caribbean immigrant women living and working in the United States while their children and other family members remain in their countries of origin? The changing nature of U.S. labor demand and restrictive immigration policies have encouraged these new transnational family forms. Post-industrial economies bring with them a labor demand for immigrant workers that is differently gendered than that typical of industrial or industrializing societies. In all post-industrial nations, we see an increase in demand for jobs dedicated to social reproduction. These include jobs in convalescent homes, private household cleaning, and childcare. These jobs are traditionally coded as "women's jobs," but today, these jobs have entered the global marketplace.

The U.S. is not alone in its recruitment of impoverished immigrant women for private, paid domestic work. Around the globe, Peruvian, Sri Lankan, Indonesian, Indian, Thai, Eastern European and Filipina women — the latter in disproportionately great numbers — perform paid domestic work in the newly industrialized nations of Asia, in the oil-rich nations of the Middle East, in Canada and in parts of Europe. Some countries have developed highly-regulated, government-operated, contract labor programs which have institutionalized the recruitment and the bonded-servitude of migrant domestic workers. Many of these programs mandate long-term separation of these domestic workers from their families.

The U.S. follows more of a laissez-faire approach to the incorporation of immigrant women into paid domestic work. Unlike Hong Kong, Taiwan and Canada, there is no formal government system or policy to legally contract foreign domestic workers in the United States. Although the methods of recruitment and hiring and the role of the state in these processes are different, the consequences are similar. Both systems require the incorporation of migrant women as workers who must remain separated from their families.

The requirements of live-in domestic jobs, in particular, virtually mandate these separations. Many Latina immigrant women who work in live-in jobs in the United States find that they must be "on-call" during all waking hours — and sometimes throughout the night, so there is no clear line between work and non-working hours. The line between job space and private space is similarly blurred, and rules and regulations may extend around the clock; some employers restrict the ability of their live-in employees to receive phone calls, entertain friends, attend evening ESL classes, or see boyfriends. Other employers do not impose these sorts of restrictions, but because their homes are located in remote hillsides, suburban enclaves or in gated communities, live-in nanny/housekeepers are effectively restricted from participating in anything resembling social life, family life of their own, or public culture.

These contemporary arrangements continue a long historical legacy of people of color being incorporated into the United States through coercive labor systems which do not recognize family rights. Advocates for the rights of immigrant women who toil in post-industrial nations while their families remain behind in their countries of origin condemn the immigration laws and the employment patterns which institutionalize these practices.

This section was authored by Pierrette Hondagneu-Sotelo, professor of sociology at the University of Southern California and author of Gendered Transitions: Mexican Experiences of Immigration (University of California Press, 1994) and co-editor of Challenging Fronteras: Latina and Latino Lives in the U.S. (Routledge, 1997.)

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Trafficking in Women

"In New York, I worked as a live-in domestic worker for . . . the Second Secretary at the Bahrain Mission to the United Nations and his wife . . . I worked seven days a week and was kept almost imprisoned. They took my passport as soon as I arrived. They paid my husband $100 a month. They would go away and would not leave food for me. They humiliated me and made me feel inhuman . . . Finally with the help of community group, Andolan, I managed to escape the horrible situation. If I did not have their support, I would not have been able to leave and would have stayed in their home like a prisoner. Maybe after years, they would have sent me back. No one would know what happened. There should be services and organizations for women like myself."

Written testimony by Sahmela Bagum for Congressional Domestic Workers' Hearing, April 2000.[1]

The trafficking of women and children to the United States is a growing problem. In 2000, the U.S. Central Intelligence Agency estimated that 45,000 to 50,000 women and children have been trafficked annually to the U.S. from all over the world.[2] The Coalition to Abolish Slavery and Trafficking believes there may be as many as 10,000 Asian women in the underground brothels of Los Angeles alone.[3]

However, government promises to address trafficking, by prosecuting traffickers and providing legal protection to trafficking victims, skirt the fundamental problem of a multi-billion dollar industry that exploits the poverty of women and children. The Global Alliance against Trafficking in Women, based in Thailand, defines trafficking as "all acts involved in the recruitment or transportation of a woman, within or across national borders, for work or services, by means of violence or threat of violence, debt bondage, deception, or other coercion."[4]

Trafficking in women flourishes in direct proportion to economic inequity. As globalization continues to expand inequalities between northern and southern countries, the situations of women living in countries with emerging economies can become desperate. In addition to caring for their families and communities, poverty can put women in the position of also having to provide for their families' economic welfare, and thus make them more vulnerable to exploitation by traffickers.

Trafficking patterns flow from less developed countries to more developed countries, from countries in economic and military upheaval to more stable countries with a demand for

cheap labor. The strongest trafficking patterns flow from southern and eastern countries. Asia is one of the main sources of trafficked persons, along with Latin America, Eastern Europe, and Africa. Globally, the CIA estimates that 700,000 to 2 million women and children are trafficked and exploited each year.[1]

Recent cases of trafficking to the U.S. have involved women from China, Korea, Thailand, Vietnam, the Philippines, Indonesia, Malaysia, Mexico, Russia, Ukraine and India. Once in the U.S., trafficked women work as domestics, in garment factories, restaurants, massage parlors and brothels. Women and children are also trafficked for servile marriage and false adoption.

The Beijing Platform recommends that governmental and other organizations "take appropriate measures to ensure that refugee and displaced women, migrant women and women migrant workers are made aware of their human rights and of the recourse mechanisms available to them." However, increasingly restrictive U.S. laws guarantee few recourse mechanisms for exploited migrant women that do not further jeopardize their economic, legal, and health status.

Caught in a Double Bind

If victims of trafficking come forward, they may find themselves caught in a double bind with little, if any, legal standing. Victims can be (and frequently are) detained by the Immigration and Naturalization Service and deported for being "illegal migrants." Even when authorities realize that trafficked persons are victims of a crime, the lack of specific laws about trafficking make prosecution difficult. Traffickers are prosecuted for smuggling and harboring "illegal aliens" rather than for their actual crime of trafficking human beings for the purpose of exploiting them financially and/or sexually. There are few incentives for victims to testify against their traffickers. Victims are not given a clear legal status and could be deported after cooperating with authorities. If they contribute to the prosecution of traffickers, they could face threats by associates of the traffickers upon return to their home countries.

Currently, the construction of trafficking as a criminal offense hinges less on the actions of traffickers and more on the "immoral" nature of the work in which trafficked women are forced to engage. Considerable controversy remains at both governmental and non-governmental levels over the criminalization of sex work. Women who are forced into the sex industry are often found guilty of both "illegal immigration" and prostitution. When their cases do come to court or are exposed in the media, they are constructed as "sex scandals" or instances of "cultural immorality." Through this process, the victimization of trafficked women is made invisible and compounded.

The majority of trafficked women are women of color facing multiple intersections of oppressions, including discrimination based on economic, racial, ethnic, caste, and gender status. The very nature of trafficking itself creates and relies upon linguistic and cultural barriers that prevent victims from accessing justice or redress; many victims who come to the U.S. do not speak English. In addition, trafficked women can be ostracized by their own ethnic community members or organizations that could otherwise provide support. In these ways, trafficking actively reinforces the oppression and exploitation which women often seek to escape through migration.

This piece was authored by Shaily Matani of the Alliance of South Asians Taking Action, with contributions from Hae Jung Cho of the Coalition to Abolish Slavery and Trafficking.

The Platform of Action encourages governments, NGOs, and other private and public service organizations to recognize and address "the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situations."

Immigrant Women and Domestic Violence

"Sometimes when he got hungry after work, he would come over and start punching me. He used to leave my arms all bruised up. My chest was also black and blue . . . I used to have to get up at 5:30 a.m. to make him coffee. If I didn't get up, he would come over and throw cold water on me. Many times I would have to sleep on the living room floor because he would throw me out of bed. Then in the morning he would throw cold water and tell me to get up."

— Testimony of "Helena," a Romanian immigrant who joined her husband in the U.S. once he obtained his permanent residency status. His promises to file for residency status for her and their children never materialized.

Evidence increasingly indicates that there are large numbers of immigrant women trapped and isolated in violent relationships, afraid to turn to anyone for help. A survey conducted by the Immigrant Women's Task Force of the Northern California Coalition for Immigrant Rights (formerly, the Coalition for Immigrant and Refugee Rights and Services) revealed that 34 percent of Latinas and 25 percent of Filipinas surveyed had experienced domestic violence in their country of origin, in the U.S., or both.

Battered immigrant women face a complex and harsh reality. The following vignettes illustrate some of the issues confronting them:

- *Carla, a Guatemalan woman,* has lived for five years with her boyfriend, a legal permanent resident. In order to apply for legal residency, she must marry him. When she asks him about it, he beats her and accuses her of only wanting to be with him so she can get her immigration status recognized.
- *Tai Lin, a Chinese woman,* has difficulty finding support to escape her abusive husband. She lost her factory job because she has no work permit. The immigrant service agency she approached encouraged her to stay with her husband and advised her to try her best to cope with her difficult situation. Moreover, because she speaks only Cantonese, the battered women's shelter she calls cannot communicate with her.
- *Leticia, an undocumented Filipina woman,* went to civil court and obtained a restraining order against her violent husband. When her husband comes to her house violating the restraining order, she calls the police. Her husband flees before the police arrive. The officer who responds makes a report and then asks for her "green card."

Prior to 1994, immigration laws ensured that abusive citizens and permanent residents had total control over their spouse's immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection, for fear of deportation. The Violence Against Women Act, passed in 1994, included immigration provisions which remedied the situation by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse or parent — enabling them to safely flee the violence.

Impact of Welfare and Immigration Reform on Battered Women

In the years following the passage of VAWA (and the Beijing Women's Conference), subsequent U.S. immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrant women and children. The 1996 immigration law (IIRIRA) recognized that many VAWA eligible battered immigrant women are undocumented as a direct result of domestic abuse and exempts some immigrant women from the harsh penalties that it directs at other undocumented immigrants. However, IIRIRA only partially preserved access to VAWA immigration relief for battered immigrants. Combined with the fear and confusion generated by laws which generally limited access to avenues to legalize, recent immigration reforms serve as a major deterrent for battered immigrant women to report abuse or to attempt to qualify for VAWA exceptions.

A new bill introduced in 1999 sought to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without fear of deportation. The Battered Immigrant Women provisions of VAWA 1999 continued the work that began with the passage of the first Violence Against Women Act in 1994.

The impacts of welfare reform also had an effect on immigrant women facing domestic violence. Recognizing that victims of domestic violence face specific obstacles in moving from welfare to work and that welfare programs serve as an essential bridge to safety for women fleeing domestic abuse, the U.S. Congress included the Family Violence Option (FVO) in Welfare Reform. The FVO allows states to identify applicants and recipients of assistance who have been or currently are victims of abuse; to make referrals to counseling and supportive services; and to waive on a case-by-case basis any program requirements that would make it more difficult for these individuals or their children to escape abuse.

Despite these efforts, many states have not yet passed the Family Violence Option, and battered immigrant women continue to face major obstacles in accessing benefits. A 1999 report by the National Network on Behalf of Battered Immigrant Women explored several barriers that battered immigrant women face when seeking access to public benefits, legal remedies, and non-profit resources. They include: a scarcity of knowledge and expertise about the legal rights of battered immigrant women; a lack of funding for grassroots training and outreach to increase immigrant communities' knowledge and understanding of their rights; a series of policies and procedures that are insensitive to the needs of battered immigrant women, putting their lives in constant danger; limited accessibility to shelters; and a lack of cross-sector dialogue and coalition building on the state and local levels. Some of the specific recommendations to address these issues include improved training and technical assistance to practitioners and advocates, widespread multilingual outreach campaigns, and the affirmation by shelters that they will remain accessible and open to all women and children, regardless of immigration status.

The overlapping nature of these two welfare and immigration reform policies has exacerbated the complex intersection of domestic violence and immigration status. The reforms ushered in by these legislative changes are vast and represent a radical departure from the past. They affect nearly every arena of public and private social service delivery, in which some immigrants are afforded greater access to benefits and services, and others are cut off altogether. Clearly, new collaboration and alliance building have to be forged to respond to the very intricate problems of abused immigrants seeking ways to create violence-free homes.

This piece was excerpted from sources authored by the Immigrant Women's Rights Project of the Family Violence Prevention Fund. The complete source texts are available at www.fvpf.org.

The Beijing Platform urges governments to "develop strategies to ensure that revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices."

Lesbian Immigrant Women

"I was not out [as a lesbian] in Malaysia, but I greatly feared that my life would be drastically affected if I were sent back there, especially to remain an activist and having a woman as my life-time partner."

– Yee Won Chong, Chinese-Malaysian lesbian activist living with her U.S.-born partner in Minnesota

Although an explicit ban on lesbian and gay immigration to the U.S. was lifted in 1990, lesbian women still face many hurdles to legal migration, and thus are more vulnerable to exploitation, discrimination, and family separation. Since the adoption of the Beijing platform in 1995, circumstances for lesbian migrants to the U.S. have shown only slight improvement.

The model of a heterosexual, nuclear family has generally structured U.S. immigration policy preferences since the 19th century. In the 1950s and 1960s, the exclusion of non-heterosexuals became more explicit, resulting in a ban on "sexual deviants," a category that included gays and lesbians. Not until 1990 did the U.S. Congress end the blanket exclusion of "psychopathic personalities, sexual deviants, and mental defectives," effectively lifting the ban on the immigration of lesbians and gay men.[2]

Unlike heterosexual women, lesbians cannot legalize their status through marriage to a U.S. citizen or a permanent resident partner. Therefore, many lesbian women involved in committed binational relationships must find alternative means of legalization or remain undocumented. Severe legal penalties exist for engaging in a sham heterosexual marriage in order to get papers. In addition to the risk of prosecution, undocumented lesbians who marry may face a double irony. In her personal narrative regarding the migration process, South Asian immigrant Grace Poore points to this irony when she notes: "On the one hand, [a lesbian immigrant woman's] legitimacy with the INS is possible only because she agrees to pass for a heterosexual by marrying. On the other hand, she experiences the hypocrisy of having left her home country to avoid marriage, only to end up marrying in the U.S. for the right to stay."[3]

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Since Attorney General Janet Reno announced that gays and lesbians could be eligible for asylum as members of a persecuted social group in 1994, more lesbian immigrants have been successful in proving their asylum claims. However, the number of cases ever approved is still so low (less than 100 cases total) that it is not a viable option for all lesbian immigrant women. Those without documented evidence of persecution based on sexual orientation, such as testimonies, letters, photographs, etc., may choose not to risk disclosing themselves to immigration authorities rather than present a case they may not win. There is far less documentation of persecution available to lesbians than to gay men, largely because of lesbian invisibility in many sending countries.

There is also a tremendous inconsistency in the way that government officials evaluate asylum applications. Lesbian and gay individuals with similar backgrounds and those from the same country often receive markedly divergent decisions and treatment from the INS. The Lesbian and Gay Immigration Rights Task Force (LGIRTF) and the International Gay and Lesbian Human Rights Commission (IGLHRC) are two U.S.-based organizations that have documented the discrepancies in these decisions and are working to transform what has often been an unreliable and unpredictable process for many lesbian women.

There have been some signs that the U.S. may be willing to consider policy options that benefit lesbian and gay immigrants. In February 2000, legislation was introduced to allow lesbians and gay men to sponsor their immigrant partners, an option currently available only to heterosexual married partners. Such a policy shift would elevate the U.S. standard to that of nations such as Australia, Belgium, Canada, Denmark, Finland, France, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden, and the U.K., which currently extend this right to same-sex partners.

Beijing's Platform for Action affirms all women's human right to sexuality free of coercion, discrimination and violence.

Lesbians and Asylum

A few landmark cases have granted lesbian women political asylum since 1995. One example is the case of a 32-year old Iranian woman who had been followed, interrogated, detained, and brutally tortured by the government for having relationships with other women. She was repeatedly told that she had committed a sin and that her mind was "with the devil." Once released, she visited the U.S. for her sister's wedding. While there, she found out her parents' home had been raided and her former girlfriend jailed. She decided to stay in the U.S. for her own safety, but it took many months of building up her courage, documenting these incidents, and finding a competent lawyer before she decided to apply for asylum. Despite the incredibly compelling facts of a case like this, she would have been ineligible for political asylum today because she filed the case more than one year after entering the U.S. Luckily, this case was filed before April 1, 1998, when the one-year rule took effect.[3]

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Immigrant Girls and Youth

"When I was an eleventh grader, I made plans to attend private colleges. My American friends, teachers and college counselor encouraged me to shoot for a college education; I was a good student. They told me that I could go anywhere, but stopped encouraging me when they found out that I was undocumented."

— **Immigrant girl recounting lack of support in her article written for L.A. Youth, "the newspaper by and about Los Angeles Teens."**[1]

Immigrant girls in the U.S. face many of the same obstacles and issues as immigrant women: health care, documentation, detention, economic survival, and discrimination based on both gender and race/ethnicity. Grueling work days, hunger, language and cultural conflict, and the threat of law enforcement can compound and complicate young immigrant women's coming of age. Many immigrant girls are struggling to complete their education, generally in public schools, and to create a life in a new country — and with a new language and culture — while maintaining connections to their native countries. As federal and state governments continue to take an increasingly anti-immigrant stance, immigrant girls and their needs remain invisible within public discourse.

Unlike Elian Gonzalez, the little Cuban boy whom the U.S. government and media adopted as a poster child for the importance of family reunification, most undocumented immigrant children are not actively welcomed into the U.S. Rather, they face the possibility of detention, deportation, lack of social services, and both individual and institutional discrimination. Human Rights Watch estimates that each year, the INS detains at least 5,000 unaccompanied children who are housed in "jail-like settings" while their immigration status is determined.[2] The INS detains immigrant children despite the fact that under international law, children should only be placed in detention when all other resources have been exhausted.[3]

One of the most far-reaching governmental policies affecting immigrant girls is the 1996 Personal Responsibility and Work Opportunity Act, or federal welfare reform. Because many immigrant families have both citizen and noncitizen children, determining eligibility for social services can be confusing and complex. The Urban Institute reports that 10

percent of children in the U.S. are members of families of "mixed status" where at least one parent is a noncitizen and one child is a citizen.[4] As states redefine who is "deserving" of social services, immigrant children and children of immigrants, particularly girl children, are some of the first affected. As a result of welfare policy, "mixed status" families are now receiving significantly less support through the Food Stamp program, which can affect the health of all family members. According to the Women of Color Resource Center, 33 percent of San Francisco children in immigrant households cut from the Food Stamp program experienced moderate to severe hunger.[5]

Beyond immediate effects, lack of social services and employment opportunities can also create a need for immigrant girls to find and hold low-wage jobs in order to contribute to family income. Tension between economics and education is especially intense for migrant families who travel seasonally in order to work as field laborers. Struggling along with their families for economic survival, immigrant girls must also strive to complete their primary education in strenuous and alienating situations.

Immigrant girls of color also deal daily with racism, lack of representation and misrepresentation, sexism, and other forms of discrimination. A 1997 student-led survey of high school students in the San Francisco Bay Area found that 95 percent of students perceived racial conflict within their schools. Students also noted that educational materials addressing Chicanos/Latinos, Native Americans, and Asian Americans were severely lacking.[6]

Beyond high school, immigrant girls face numerous challenges in continuing their education. In some immigrant families, higher education for girls may be less of a priority than education for boys. This is compounded by the fact that students without official documents are often required to pay out-of-state fees at public universities, posing an additional hurdle for immigrants whose families are economically marginalized as a result of racial discrimination, documentation status, linguistic barriers, and increasingly hostile law enforcement policies.

While there has been an increase in new and innovative programs to provide support for immigrant girls, enhance their self-esteem, and assist them through difficult transition years, such initiatives are under-resourced, few, and far in between. School and community-based programs that address the particularities of youth, gender, and culture are essential supports to build the potential of immigrant girls facing incredibly complex conditions in what should be an enriching period of their lives.

This piece was authored by Camellia Phillips, publications intern with NNIRR.

The Beijing Platform challenges governments to "establish linguistically and culturally accessible services for migrant women and girls."

Conclusions and Recommendations

The review process for the Beijing Platform for Action comes at a time when the concerns and roles of migrant women are growing and should play a significant role in any discussion of international standards for women's rights. As this report shows, migrant women are among the most vulnerable "refugees of the global economy," and face multiple levels of exploitation, including violence, economic oppression, racial discrimination, and lack of adequate health and educational opportunities. These conditions often frame the experience of migrant women both in their home countries and in the U.S.

Despite the commitments of the U.S. and other governments to set a basic standard for the treatment of all women, migrant women's issues and perspectives continue to be marginalized. At the same time, migrant women's concerns have not taken center stage among the activities of large national women's organizations, and many immigrants' rights organizations have failed to pay special attention to the needs of migrant women.

However, there are signs of hope as we enter a new millennium. Growing awareness about the inequities of economic globalization, combined with migrant women's efforts to organize and mobilize for their rights, have created the potential to form powerful alliances to address the connections between globalization and migration. Together, these forces can urge the U.S. government and other nations receiving immigrants to reconsider the impact of ineffective and inhumane immigration policies on the lives of women and their families.

Recommendations to the U.S. government to protect the human rights of women migrants:

The U.S. approach to immigration policy over the last five years has increasingly adopted a strategy that not only aims to deter migration, but punishes immigrants by imposing harsh criminal penalties for unauthorized migration. This strategy has proven to be both inhumane and ineffective at meeting its stated aim. It does not stop migration, but instead leaves undocumented women vulnerable to exploitation, pushing them "underground" and

criminalizing them due to their lack of immigration status. In light of this, and in addition to the U.S. commitments for the rights and equality of all women, we call on the U.S. to:

Bring women out of the shadows.

The vulnerability of undocumented women harms citizens and noncitizens alike. The U.S. must re-examine and repeal "employer sanctions" policies, which criminalize the hiring of migrants without documents. These provisions foster discrimination in hiring, subvert union organizing drives, and leave women workers vulnerable to sexual exploitation by unscrupulous employers.

Legalize migrant women's work.

In conjunction with the elimination of employer sanctions, we urge a generous legalization program that provides equal access to working people of all nationalities. Such a program should have flexible deadlines to allow new arrivals to become eligible for legalization after a period of time. Legal status of migrants should not be dependent on employment, so that women such as domestic workers or farmworkers can be protected from exploitation. Migrants who have been trafficked or who are involved in speaking out against their employers should be granted immediate immunity from deportation.

End human rights violations by law enforcement officials.

The government must be held accountable not only for individual incidents of abuse, but for an immigration enforcement approach which fosters systemic violations. Despite repeated and egregious violations of migrant women and other women of color's rights by immigration and other law enforcement personnel, the U.S. government has done little to improve its inefficient and ineffective complaint process. Government agencies must keep accurate data on conditions for immigrant women who are interrogated, arrested, and detained by immigration authorities.

Protect family unity.

Family unity, once a cornerstone of U.S. immigration policy, is no longer sacred. Immigrant women have been forcibly and repeatedly separated from their spouses, parents or children. The U.S. must overturn the series of legal provisions used to justify this separation, including removing obstacles so that immigrant woman can legalize their status and avoid deportation.

Address the needs of immigrant women in poverty.

As this report has made clear, immigrant women's employment, health, and well-

being are profoundly impacted by racism, poverty, and vulnerability to exploitation. The U.S. must make serious efforts to reverse some of the devastating cutbacks affecting immigrant women's access to health care, food stamps, and other benefits. Basic labor standards must be enforced for women in both the formal and informal sectors, and wage and benefit levels must be brought up to equalize the growing divide between the poorest and the increasingly wealthy in the U.S.

Almost all of the recommendations set forth by the NGO migrant caucus at the Beijing Conference in 1995 have yet to be implemented by most governments, including the U.S. government. Many recommendations are very relevant to the issues faced by migrant women in the U.S. Among the most significant of these are those which encourage an international perspective and long-term solutions to the inequities of globalization. We encourage both the U.S. and sending countries to revisit the following recommendations:

- Ensure that women can sustain a livelihood in their home country so that migration is an option and not forced for family survival.
- Grant women migrants all the legal, social, economic, and cultural benefits afforded to other citizens, as well as the right of family reunification.
- Grant women migrants — including domestic workers — a legal status independent of their spouse or employer.

In addition, we propose that the U.S.:

- Ratify the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- During participation in the 2001 World Conference on Racism, Xenophobia, and Related Intolerance, give specific attention to a critical focus on migrant women's issues and the intersection of racism and xenophobia in the U.S.

Recommendations to NGOs addressing migrant and women's issues:

Support organizing and leadership of immigrant women and girls in the U.S. Immigrant women and girls are on the front lines of some of the most innovative organizing efforts to address the complex nexus of gender, race, class, and immigration status that frames immigrant women's experiences. Yet their voices and efforts are rarely reflected in migrant advocacy groups or mainstream feminist groups in the U.S. The organizing models of grassroots immigrant women's groups, which

"[Mujeres Unidas y Activas] has helped me a lot because in this country, although you might have family here, you feel alone or sad, and you might not have anyone to talk to. On the contrary, when I come to the group, I can talk about it . . .and I feel better. I get it out and I forget about it or when there are birthday parties, I feel like they are my family. And when I'm feeling sad and filled with depression, when I come [to the group] it's like a vent and when I return home, I see things differently."

– Lourdes, a Mexican immigrant woman talking about her involvement in Mujeres Unidas y Activas, a Latina immigrant women's group in San Francisco, California.

often encompass multilingual efforts, non-written forms of communication, and creative tactics to mobilize their base, hold important lessons for broader movements around the priorities of gender and economic justice.

Foster collaboration with academics and researchers to address the data gaps.
Specific research on indicators for migrant women such as health, income, economic activity, and education is urgently needed to focus attention to the disparate impact of laws and policies affecting vulnerable populations of women.

Challenge anti-immigrant sentiment and the criminalization of immigrant women.
Like many other issues that are framed as a problem of "crime," including youth violence, welfare fraud, and prostitution, immigration must be unmasked as more than just a question of "legality." Both immigrant advocacy and women's rights groups need to play a strong and visible role in building credibility and respect for the rights of undocumented women, and in reframing an agenda which has scapegoated immigrant women for "causing overpopulation" and "draining social resources."

Centralize a platform of racial justice for all women.
Efforts to ensure racial equality for all women — immigrant and non-immigrant — are key to a movement that truly addresses the concerns of all women in the U.S. Women's organizations and other NGO's should promote and nurture the efforts of young women of color from immigrant families who are emerging as a next generation of civil rights organizers.

Appendix

Beijing World Conference on Women and Platform for Action

What Was the Beijing World Conference on Women?

In September 1995, the United Nations convened the Fourth World Conference on Women in Beijing, China. It was attended by representatives of 189 countries, while a parallel conference of non-governmental organizations in the city of Huairou drew some 30,000 predominantly women participants from countries throughout the world. By most accounts, the UN Beijing Conference was a significant event, marking important gains for the recognition of women's equality worldwide. However, the UN conference's failure to address the specific conditions and issues facing migrant women has remained a major disappointment, made worse as the worldwide population of migrant women has steadily grown due to the increasing disparities of globalization.

There were three previous world conferences on women: Mexico City in 1975; Copenhagen in 1980; and Nairobi in 1985. The Nairobi conference produced the "Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000," a framework for action at various levels along the themes of equality, development and peace. The Beijing conference was intended to provide continuity, evaluation, refinement and the development of specific proposals to implement the Nairobi strategies.

What is the Platform for Action?

Two documents emerged out of the official proceedings: the Beijing Declaration and the Platform for Action. The Women's Environment & Development Organization (WEDO), a prominent non-governmental participant, assessed that the documents "are the product of the most highly participatory and inclusive process ever organized under the auspices of the United Nations and may be the most widely read UN documents in history. While they are imperfect documents representing compromises on language, glossing over conflicting views and weakened or diluted action verbs, the Beijing outcome is the strongest documents on gender equality, empowerment and justice ever produced and agreed to by the world's governments."[1]

The lengthy Platform for Action (PFA) from the Beijing conference — some 361 paragraphs — included action statements and proposals for governments. The language of the document was considered and debated in detail, and it represents a process of negotiation and compromise. According to WEDO, the PFA "is a unique road map for action on equality, development and peace which we can use at all levels of decision-making. It is a tool for accountability with governments and international institutions and a comprehensive agenda for progress towards a better future for all."[2]

"Today, in the midst of rain and cold, we are marching in solidarity with the migrant women who have to tell their stories of suffering and pain. We are marching on behalf of the millions of other migrant women and their families who will never be able to come to meetings like this to have their voices heard."

— Press statement of organizations marching in solidarity with migrant women, NGO Forum in Huairou, September 1995.

The Platform focuses on twelve areas of critical concern: poverty; education and training; armed conflict; economy; health; violence; human rights; media; decision-making; institutional mechanisms; environment; and the girl-child. It acknowledges the growing trend of democratization in the world, and the important roles which women's organizations and feminist groups are playing as forces of positive change. The PFA also includes an admission that "the major cause of continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances."[1]

It is in this assessment that many women's rights advocates rest their critique of the PFA. Despite the many positive features of the Platform, the increasingly devastating effects of globalization on women throughout the world are conspicuously absent from its focus. Many of the proposals within the PFA are framed by an assumption of the progress and positive opportunities of globalization, but fail to identify or challenge the significant debilitating impacts of global economic restructuring, particularly on the most vulnerable sectors of women.

Migrants rights groups continue to assert that female migration has increased dramatically as a result of the economic gaps attributed to globalization and structural adjustment policies (SAPs) in poor countries. For example, in the Philippines over 10 percent of the workforce migrates to work abroad each year; women make up well over half of these overseas migrants. The International Organization for Migration has identified over 50 million women migrants worldwide who represent the more vulnerable sectors in countries hard-hit by the effects of SAPs. These women often have no other viable option but to leave their families and migrate in search of work. Unfortunately, this ever-increasing proportion of the global women's population is often overshadowed or neglected in broader deliberations.

Migrant Women's Issues at the Beijing Conference

NGOs representing migrant women or working on migration issues have been particularly critical of the UN conference's lack of commitment to the conditions and rights of migrant women. While the Platform for Action from Beijing takes note of the specific conditions of refugee and migrant women, it does not thoroughly address these issues. This is exemplified by the fact that there was no substantial section within the platform that focused on migrant women. Not only did the Platform ignore the macroeconomic context of the lives of migrant women, it also failed to recognize the tenuous status of this population in terms of race, class immigration status, and degree of integration, which significantly bear on migrant women's abilities to assert their rights.

While the UN conference was not responsive to NGO concerns, the parallel NGO Forum included numerous groups representing migrant women, who actively raised the profile of migrant women at the event and through the media. By one count, there were 63 workshops pertaining to issues of migration and/or migrant women.[4] And in pouring rain in Huairou (the site of the NGO forum, miles away from Beijing and the official UN conference on women) hundreds of women marched in solidarity with women migrants, calling for greater protections for migrant women's rights. ". . . It is therefore a matter of justice that migrant workers' rights are protected. They are the products of unequal and exploitative systems which must be addressed globally."[5]

From the Statement of the NGO Migrant Caucus to the 4th World Conference on Women:

. . . We are gravely concerned that the issues of migrant women are not substantially represented in the Draft Platform for Action and that a separate section is not devoted specifically to the plight of women migrants.

The problems associated with migration have reached such magnitude that they require the convening of an international conference solely devoted to this issue.

In order to ensure the human rights of women migrants, we strongly urge governments to commit to:

1. **Ratifying the 1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;**
2. **Supporting the convening of an international conference solely devoted to migrant issues;**
3. **Abiding by the 1994 UN General Assembly resolution 49/165 on Violence Against Women Migrant Workers;**
4. **Completely revising the 1949 UN Convention on the Suppression of Trafficking of Persons and the Exploitation of the Prostitution of Others, to broaden the definition to include trafficking of women for marriage, bonded labour, and the sex industry, and to ensure that women migrants' economic, political and legal rights are protected in both the sending and receiving countries;**
5. **Ensuring that women can sustain a livelihood in their home country so that migration is an option and not forced for family survival;**
6. **Granting to women migrants all the legal, social, economic and cultural benefits afforded other citizens as well as the right of family reunification;**
7. **Granting women migrants — including domestic workers — a legal status independent of their spouses' or employers'.**

U.S. Commitments to the Platform for Action

Progress made by the U.S. in implementing the Platform for Action fails to address the specific conditions of immigrant women. In fact, U.S. policies abroad and domestically have caused immigrant women great harm by increasing their vulnerability to workplace exploitation, discrimination, human rights abuse and violence.

The President's Interagency Council on Women, which included representatives from various federal agencies, was established to oversee the protection of rights for all women. In March 2000, the Council released *"America's Commitment: Women 2000, A Five-Year Review of Federal Programs Benefiting Women and New Initiatives as a follow-up to the UN Fourth World Conference on Women."*[1] The report summarizes the actions the U.S. has taken to fulfill its commitments to the twelve areas of critical concern outlined in the Platform.

The report makes little mention of immigrant women. It does note progress made in the area of human rights, where the basis for gender-related asylum claims has been expanded. For example, asylum may now be granted to someone who has been forced to undergo involuntary sterilization, or fears being subjected to female genital mutilation. Over 4,300 petitioners have been granted permanent residence through a provision of the 1994 Violence Against Women Act (VAWA) that allowed battered spouses and children of U.S. citizens and legal permanent residents to "self-petition" to legalize their status. The report also notes that information on women's rights in various countries has been reported to U.S. immigration officials. These are steps in the right direction; they help to enlighten relevant institutions and agencies, and to provide greater avenues for rights protections for some immigrant and refugee women.

However, other areas in the U.S. report fall short of discussing critical issues as they explicitly impact immigrant women or women of color. The approaches that are mentioned regarding issues of poverty, education, or health, for example, do not account for conditions of the most vulnerable immigrant women. While non-governmental organizations working on immigration issues have loudly denounced the detrimental impact of immigration enforcement policies and welfare reform on immigrant women, the U.S. government report makes no mention of these significant issues.

It is also critical to note that the U.S. commitments do not include support for ratification of the UN Convention for the Protection of Rights for All Migrant Workers and Members

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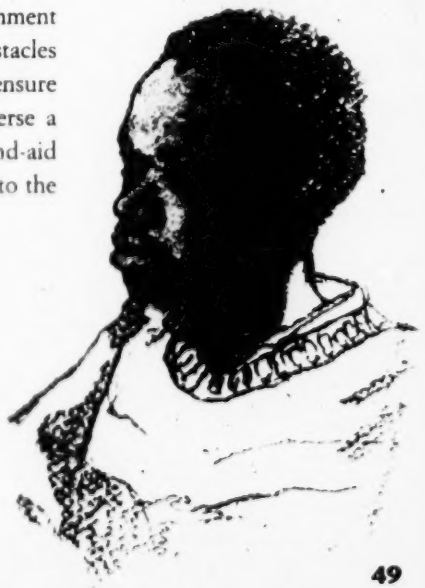
of their Families, which was passed by the UN General Assembly in 1990. The convention embraces the need for expanded protections for migrant women who constitute an ever-increasing proportion of all international migrants.

While *"America's Commitment"* summarizes the U.S. government's support for programs to benefit women's economic opportunities, education, or health in a variety of other countries, it fails to mention the negative impact of U.S. economic and foreign policy on women in migrant-sending countries. The impact of NAFTA (the North American Free Trade Agreement) on poor and working families in Mexico is just one example. In rural areas of Mexico, indigenous women from farming communities become impoverished when they cannot compete in the market with cheaper imports of corn from the U.S. Women from these communities often move to urban areas — and eventually northward — in search of a means of survival. Some end up working in the maquiladoras, border factories known for their levels of exploitation and dangerous working conditions; others make dangerous border crossings in search of employment in the U.S.

Without a doubt, the women's rights movement in the U.S. has made considerable progress in advancing the rights of women, and has played a significant role in pushing government at all levels to address issues of gender equity and justice. Unfortunately, many obstacles remain in meeting the needs and recognizing the concerns of immigrant women. To ensure that immigrant women's rights are also protected, the U.S. government must reverse a pattern of punitive and inhumane immigration policies, and go beyond offering band-aid solutions to the desperate economic circumstances that motivate women to migrate to the U.S. in the first place.



Organizational Contacts

The following organizations provided information concerning immigrant women referenced in this report:

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Immigrant Women in the U.S.: Navigating the Challenges of Globalization

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[5] Press Statement, NGO Migrant Caucus to the 4th World Conference on Women, September 1995.

U.S. Commitments to the Platform for Action

[1] See website for America's Commitment: Women 2000 at http://www.secretary.state.gov/www/picw/2000commitment/index.html

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Notes

Resumen ejecutivo

Manos que moldean el mundo

Informe sobre las condiciones de la mujer inmigrante cinco años después de la conferencia de Beijing

El informe *Manos que moldean el mundo* determina que las mujeres inmigrantes en los Estados Unidos son uno de los grupos más vulnerables a la explotación, el abuso y la violación de los derechos humanos. Al analizar las condiciones de la mujer inmigrante cinco años después de la "IV Conferencia Mundial de La Mujer" en Beijing, China, este informe sin precedente determina que el gobierno Estadounidense no solamente no ha protegido los derechos de las mujeres inmigrantes, sino que ha implementado leyes que han tenido un impacto negativo en las vidas familiares, el bienestar y la salud de las mujeres inmigrantes.

El informe *Manos que moldean el mundo* fue presentado por vez primera por la delegación de mujeres inmigrantes de los Estados Unidos en las actividades de "Beijing + 5" en la ciudad de Nueva York en el mes de junio del año 2000. Este informe es una contribución importante a la evaluación del progreso en, y realización de, la plataforma de acción formulado en la conferencia en 1995. Aunque la conferencia en Beijing tomó pasos importantes en la promoción de normas internacionales para los derechos de las mujeres, los obstáculos particulares que las mujeres inmigrantes enfrentan siguen siendo ignorados, tanto por las Naciones Unidas como por el gobierno Estadounidense. El informe exhorta al gobierno estadounidense a incluir a la mujer inmigrante, sin excluir a aquellas que son indocumentadas, en su compromiso de expander los derechos de y las oportunidades para todas las mujeres en los Estados Unidos.

El informe *Manos que moldean el mundo* se enfoca en las áreas criticas para la mujer inmigrante en los Estados Unidos. En muchos casos estas preocupaciones son compartidas por todas las mujeres, especialmente las mujeres pobres y minorias. Pero el informe demuestra que las cuestiones de estado migratorio, ciudadanía, idioma, y otros factores distinguen a la mujer inmigrante y son obstáculos significantes para la igualdad y la participación política. Ademas, el informe encuentra que las reformas a las leyes de inmigración y "welfare" (programas de bienestar) implementadas en 1996 han tenido un impacto dramático y son una amenaza severa a los derechos y protecciones de todas las mujeres delineadas por la Plataforma de Beijing.

El informe *Manos que moldean el mundo* está basado en testimonios recopilados por la Red Nacional Pro-Derecho del Inmigrante y Refugiado de mujeres inmigrantes sobre los impactos de reformas al "welfare" y las leyes de inmigración. La red también hizo un resumen de diversos informes ya existentes sobre las reformas de leyes inmigratorias y de "welfare" en los Estados Unidos. Este informe contó con la contribución de las organizaciones

en la delegación de mujeres inmigrantes en los Estados Unidos que asistieron a las actividades de Beijing + 5 en Nueva York y con la contribución de varios grupos de mujeres inmigrantes y organizaciones que abogan por ellas.

Resultados Sobresalientes*

El informe *Manos que moldean el mundo* encuentra que:

- ◊ Más de la mitad de los nuevos inmigrantes que entran a los Estados Unidos cada año son mujeres. Ellas forman parte de una población de mujeres inmigrantes que a nivel mundial ha llegado a más de 50 millones.

- ◊ Muchas veces las mujeres emigran como resultado de los impactos negativos de la globalización economica. En paises en vias de desarrollo la mujer ha sido fuertemente impactada por programas de ajuste estructural, inestabilidad politica, luchas internas, tensiones étnicas y religiosas, y el agotamiento de los recursos naturales.

- ◊ Al llegar a los Estados Unidos la mujer inmigrante encuentra obstáculos como trabajadora por su estado migratorio, idioma, y ciudadania, además de la discriminación que enfrenta basado en género o raza.

- ◊ Muchas veces la mujer inmigrante no tiene cuidado médico adecuado, tanto por razones económicas como por su miedo a perder su estado migratorio o ser deportada si utiliza los programas de salud pública.

- ◊ La legislación de "welfare" de 1996 en los Estados Unidos fue especialmente dañina para el bienestar económico de las mujeres inmigrantes pobres y sus familias, al eliminar el acceso a programas que ofrecen beneficios a los necesitados. Por ejemplo, programas de "welfare-to-work" (del "welfare" al trabajo) no tratan cuestiones del nivel de conocimiento del idioma ingles, acceso a capacitaciones, cuidado para los niños o transportación, todas las cuales son necesarias para que muchas mujeres puedan trabajar.

- ◊ La mujer inmigrante ha sido expuesta con mas frecuencia a las violaciones de derechos humanos por la patrulla fronteriza y otros oficiales de inmigración. Después de la aprobación del Acto de Reformas de Inmigración Ilegal y Responsabilidad del Inmigrante de 1996 (IIRIRA), el numero de mujeres detenidas en facilidades de detención deshumanizantes ha aumentado. Igualmente el numero de violaciones de los derechos humanos básicos de las mujeres en custodia del servicio de inmigración ha aumentado.

- ◊ La mujer inmigrante es más vulnerable al abuso en el trabajo o a ser explotada por leyes, tales como las sanciones para los empleadores y el IIRIRA que básicamente han criminalizado a los indocumentados

- ◊ IIRIRA cerró las puertas para la legalización del estado migratorio de los indocumentados y aumentó la confusión y el miedo de las mujeres inmigrantes golpeadas, quienes tienen más miedo al reportar abusos o disponer de maneras de legalizar su estado migratorio sin el patrocinio de su cónyuge abusivo.

- ◊ El tráfico mundial de mujeres inmigrantes y niños es cada vez más una preocupación significantiva en los Estados Unidos. El gobierno calcula que aproximadamente 50,000 mujeres son traficadas a los Estados Unidos cada año. Las inmigrantes victimas del abuso de trafico y explotación tienen pocos recursos legales, y muchas veces son ellas las que son criminalizadas, detenidas, culpadas y deportadas.

- ◊ Se han logrado algunos avances en cuanto el asilo politico para mujeres inmigrantes enfrentando persecución basada en género. Sin embargo, las nuevas restricciones al proceso general para la solicitud del asilo ha hecho este proceso más dificil para las mujeres recién llegadas.

- ◊ Las mujeres lesbianas todavia enfrentan muchos obstáculos a la migración legal y por lo tanto son más vulnerables a la explotación, discriminación, y separación de la familia.

- ◊ Las niñas inmigrantes en los Estados Unidos enfrentan muchos de los mismos obstáculos que las mujeres inmigrantes en el ejercicio de sus derechos y en el acceso a servicios culturalmente y lingüisticamente apropiados.

Recomendaciones

Una plataforma que tome en cuenta los derechos de la mujer inmigrante necesita considerar el papel perjudicial de la póliza migratoria, y tiene que hacer compromisos estratégicos para aliviar las condiciones complejas que obligan a las mujeres a emigrar para sobrevivir.

Manos que moldean el mundo ofrece las siguientes recomendaciones iniciales para que entidades gubernamentales y no-gubernamentales respondan a las condiciones de mujeres inmigrantes en los Estados Unidos.

Para el Gobierno Estadounidense:

- Sacar las mujeres a la lúz. Revocar las "sanciones al empleador," los cuales han incrementado la discriminación en la contratación, saboteado campañas de sindicalización, y ha hecho a las trabajadoras más vulnerables a los empleadores explotadores.

- Legalizar el trabajo de mujeres inmigrantes. Proveer avenidas rápidas y equitativas para la legalización de los indocumentados.

- Acabar con la violación de los derechos humanos. Mejorar el proceso de presentar quejas. Monitorear, documentar y enjuiciar a las violaciones de los derechos.

- Proteger la unión familiar. Mantener el principio de la unión familiar y eliminar los obstáculos al amparo para los que enfrentan la deportación, y para el ajuste del estado migratorio de las mujeres.

- Responder a las necesidades de la mujer inmigrante pobre. Proveer acceso al cuidado médico, vales para la comida ("food stamps"), y otros beneficios para mujeres necesitadas. Enforzar normas laborales, e incrementar niveles de sueldos y beneficios.

El informe adicionalmente recomienda a los Estados Unidos:

- Ratificar la Convención de los derechos de los trabajadores inmigrantes y los miembros de sus familias del 1990.

- Apoyar la participación y atención en la Conferencia mundial 2001 contra el racismo, la discriminación racial, la xenofobia, y formas conexas de intolerancia, incluyendo un enfoque crítico en las condiciones de la mujer inmigrante y la intersección del racismo y la xenofobia en los Estados Unidos.

Para ONGs trabajando en condiciones de mujeres e inmigrantes, el informe recomienda:

- Apoyar la organización de mujeres y niñas inmigrantes en los Estados Unidos y la capacitación del liderazgo de ellas.

- Fomentar la colaboración de académicos y investigadores para eliminar las lagunas en los datos disponibles.

- Cuestionar el sentimiento anti-inmigrante y la criminalización de la mujer inmigrante.

- Centralizar una plataforma para la justicia racial para todas las mujeres.

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